101/54

RESEARCH RESULTS OF THE SPEED LIMIT INCREASE

HEARING

BEFORE THE

SUBCOMMITTEE ON TRANSPORTATION, AVIATION AND MATERIALS

OF THE

COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY
U.S. HOUSE OF REPRESENTATIVES

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RESEARCH RESULTS OF THE SPEED LIMIT INCREASE

WEDNESDAY, JULY 26, 1989

HOUSE OF REPRESENTATIVES, COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY, SUBCOMMITTEE ON TRANSPORTATION, AVIATION AND MATERIALS,

Washington, DC.

The subcommittee met, pursuant to call, at 11:09 a.m., in Room 2325, Rayburn House Office Building, Hon. Tim Valentine (chairman of the subcommittee), presiding.

Mr. VALENTINE. The subcommittee will come to order.

When the Congress passed the Surface Transportation and Uniform Relocation Assistance Act of 1987, it permitted States to raise the speed limit to 65 miles per hour on their rural interstate highways. In doing so, the Act also directed the National Highway Traffic Safety Administration to report to Congress on the impact of the increased speed limit on highway safety. The first of three reports is complete and today the subcommittee will look at the research results of that report to determine what further research and development initiatives may be necessary to ensure safety.

Let me say from the very beginning of this hearing that it is my strong belief that continued attention should be given to speed as a highway safety problem. The environment in which we drive is highly complex, with deteriorating roadway conditions, a more diverse and dangerous vehicle mix than in previous years, and, seemingly, a greater disregard for general traffic law compliance.

The subcommittee is aware that only one full year of data has been analyzed, and more research may be needed to determine the long-term effects of increased speed on highway safety. However, the report leaves no doubt that raising the speed limit increased the number of deaths and crippling injuries resulting from traffic accidents. This should serve as a warning that much more must be done in order to save lives and improve highway safety. Obviously, safety must be our first priority.

Today we will receive testimony on the status of facilities on the Nation's highways since the speed limits were raised in more than 40 States. I hope today's hearing will not only clarify some of the statistics being used but will provide a basis for future decisions.

And I recognize the ranking member of the subcommittee at this time for such opening statement as he might have. Our good friend, Mr. Tom Lewis.

Mr. LEWIS. Thank you, Mr. Chairman.

The issue of what is the leading cause of highway fatalities is not clear. Today we will hear testimony that increasing the speed limit to 65 miles per hour on some rural interstate highways has caused a significant increase in fatalities. On the other hand, we hear that in a scientific study from the Highway Safety Research Institute of the University of North Carolina that traffic records were examined and eight primary causes of accidents were identified. Speed ranked eighth and last.

We need scientific research that will enable us to understand highway accidents, not just categorize them. I hope today's testimony will give us enough scientific research data so that we can start to develop a Federal research policy that will unlock the secrets behind those statistics.

Thank you, Mr. Chairman.

Mr. VALENTINE. The ranking member of the full Science, Space, and Technology Committee, Mr. Bob Walker, is with us today and we recognize him at this time.

Mr. WALKER. Thank you, Mr. Chairman.

Mr. Chairman, I am somewhat concerned about the hearing, having reviewed the testimony that we are about to hear today, that there does not appear to be testimony from people who would take an opposite point of view with regard to the 65 mile an hour speed limit. The witnesses are heavily weighted toward only those who will testify that they have some caution about 65 mile an hour speed limit, while there are many people within the automobile community who would contend that those people are wrong both in their statistics and in their analysis. And so I am very disappointed that we do not have more balance.

Because it seems to me there are some statistics that do need to be questioned even as we look at some of this material. For example, recently I was given a publication, the Motor Vehicle Manufacturers Association Statistical Guide, which indicated where facilities are occurring and what the fatality rate has been in selected countries.

We find, for example, the fatality rate since 1980, between 1980 and 1986 dropped in virtually all of the countries of the world, including those that do not have speed limits. One of the more significant drops was a 40 percent drop in fatalities in West Germany. West Germany has no speed limits on their autobahns. Whereas, in the United States during that same period of time, where we had a 55 mile an hour speed limit, we only had a 26 percent drop in our fatalities.

And so it seems to me that it is fairly clear that there was a more significant drop in fatalities in a country that has no speed limits on its limited access highways than we had in the United States.

I would also—I am also somewhat concerned that the hearing is premised on testimony that we will hear that fatalities on rural interstates in States with increased speed limits in 1987 were conservatively estimated to be 15 percent than they would have been if the States had retained the 55 miles an hour speed limit. We trumpeted that in the press releases that went out of the committee. That's a part of the guide that was sent around to some of the members of the subcommittee.

I think it's interesting to note that the increase in travel on rural interstates with States with the 55 miles an hour speed limit was 16.6 percent higher than in those States which kept the 55 miles an hour speed limit. So, in other words, yes, there were increased fatalities, but there was also a significantly greater increase in the amount of travel on those highways. And so the 16.6 percent, naturally, matches up fairly close with the 15 percent that we're trumpeting in the committee. It seems to me that we need to be very, very careful with these statistics. Because as the Institute at the University of North Carolina has pointed out, speed may well not be the factor that we should be concentrating on. I happen to think that probably what we ought to be concentrating on is the fact that we do a very poor job of training drivers in this country.

And I thank you for yielding me the time.

Mr. VALENTINE. I thank the gentleman very much. Let me say that, and issue a warning to the witnesses that they will be subjected to the cross-examination by the distinguished gentleman from Pennsylvania, wherein he will attempt to develop some of these theses that he—and say to my good friend, furthermore, that this is by no means to be regarded as the last word. I will say to him here and now publicly that if there are others who have a different view that he would like for this subcommittee to hear from we will certainly arrange to do so, as we have no reason for wanting to do anything except to get at the facts.

Let me say here parenthetically that I do not disagree. Of course, it's not determinative what I think about it, but I do not disagree with a substantial amount of what the gentleman has said. There is a matter, and I intended to mention this in my opening statement and will take the liberty of saying it now. There is a little item that is sold freely in this country and advertised which is called by some a radar detection device and others a "fuzz buster", the sole purpose of which, the sole and only purpose of which is to allow people to have opportunities to violate the law. I will inquire of the various witnesses as to what they think the impact of that little monster is on this problem and what they think the Congress should or should not do about it.

Mr. WALKER. Well, Mr. Chairman, I appreciate your words with regard to future witnesses and I hope we would bring in some of them. I would hope that at the very least we would hold open the record of this hearing because I have been in touch with several people across the country who think they have fairly criticisms of some of the statistics that will be before us today, and I would hope that they would be able to submit for the record their statements as a part of this hearing record.

Mr. VALENTINE. Absolutely.

Our first witness this morning is the Honorable Frank Pallone, Jr. He does not appear on your list. Our colleague notified us after these papers were printed. He is Representative of the 3rd Congressional District of the State of New Jersey. I know that our colleague has special interest in this subject. In fact, he has introduced legislation, H.R. 1756, which would revert the speed limit back 55 miles per hour. And we didn't contact him, he contacted us, and he is here today.

The subcommittee is pleased to have you here, our colleagues, and we look forward to your comments, Mr. Pallone.

STATEMENT OF THE HONORABLE FRANK PALLONE, JR., A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW JERSEY

Mr. PALLONE. Thank you, Mr. Chairman and members of the committee. I do not have a prepared statement, but I am very happy to be here today. First of all, just the fact that this subcommittee is having this hearing and drawing attention to what I consider a serious problem in this country, and that is the fact——

Mr. VALENTINE. Let me ask you, Frank, are those papers for us?

Mr. PALLONE. No, they're not, I assure you. I've been well warned that this is going to be a brief statement.

Mr. VALENTINE. Thank you. The staff thanks you.

Mr. PALLONE. Thank you.

[Laughter.]

I just wanted to, again, thank the subcommittee and the chairman because I do think that this is an important issue. And one of the things that I was concerned about when I first entered Congress as a freshman and as a successor to Congressman Howard was that the issue would not be given proper attention, and I see that that is not the case and that the committee, in fact, is having an extensive hearing on the subject.

As you know, Congressman Howard, my predecessor, was very much interested in this subject, was an advocate of the 55 miles per hour limit and was very disappointed back in '87 when exceptions were made for certain interstate rural highways. I am not just here today, though, to carry on his tradition. I feel very strongly that we should go back to the 55 miles per hour limit. And although attention has already been focused on the report that was commissioned by Congress in January of this year, I was pleased to note in particular today a report that you have as part of your testimony by the Insurance Institute for Highway Safety which shows quite clearly, it would seem, based on the facts that they have and the details that they present, that we are in fact seeing more deaths because—in the States that have gone to 65 miles per hour a significant increase that is directly related to the increase itself, and at the same time pointing out that in those States where we have gone to 65 miles per hour that people tend to go even beyond the 65 miles per hour. I think that from the beginning the advocates of 55 miles per hour limit across the country felt that one of the things that we were accomplishing, even if we couldn't enforce the 55 miles per hour limit all the time, was at least to keep people driving a little slower. And the evidence in this report from the Insurance Institute shows that the opposite, in fact, is happening with the 65 miles per hour limit. That people are now going 75 or even faster than that.

I just wanted to stress to the committee the fact that not only are we going to save lives if we go back to 55 miles per hour, and I don't pretend to say that that's going to be easy to accomplish. I know that it's difficult. I know there's a lot—there are a lot of Congressmen, Senators that are against that. But that we are not only

saving lives, we're also conserving fuel, and I think that we have to keep in mind that back in the '70s when the movement began, in the late '70s, to go to a 55 miles per hour limit on interstates across the country that it was kind of part and parcel of the need to conserve energy and a reaction to the energy crisis, which I feel that we are going to face again.

So I would like the committee not only to consider, as you obviously are, these new developments that point out that we are saving lives and that there is a direct relationship, but also to think about the fuel conservation aspects, the energy conservation aspects that will go along with that.

Now I heard the ranking minority member of the committee mention that the jury is out, so to speak, on this in terms of the statistics that are available and the reports that are coming forward, and I'm not going to pretend today to say that there isn't contrary data. But I think that, as the committee is doing, making an effort to look at all the data, see what additional research needs to be done because I really feel that in the long run that the more this subcommittee looks into it and the more studies that are done, they reveal in fact that we should go back to the 55 miles per hour limit and it is going to make a difference in terms of driving safety, saving lives and the other things that I mentioned here today.

I just want to thank you for the opportunity to present my testimony.

Mr. VALENTINE. Thank you, sir. Mr.—let me see if members have any questions.

Mr. Lewis.

Mr. LEWIS. No questions, Mr. Chairman.

Mr. VALENTINE. Mr. Walker.

Mr. WALKER. Just one question. Based upon your thesis, how do you explain the fact that during the period of time that we had the 55 miles per hour speed limit, during the 1980s, 1980 to 1986, we had a slower drop in fatalities than the nation of West Germany that has unlimited speeds on its autobahns? I mean how do you explain that if your thesis is correct?

Mr. PALLONE. I don't know how I can explain it, you know. I haven't seen the statistics. However, one of the things that this Insurance Institute report points out, and I think it's significant, is that we're not just dealing with the whole question of whether people are driving 55 or 65. We're dealing with a whole mentality which really faces this country. The fact that in advertising, in promotion, just the general attitude out there is that driving faster is better or is more fun. And, you know, perhaps it has to do with, in general with, you know, what people think in this country about driving and about going faster and how that compares to other countries.

Mr. WALKER. But I'm not certain that's responsive to the question because in Germany, as I pointed out to you, they have unlimited speeds on the autobahns in Germany.

Mr. PALLONE. Yes.

Mr. WALKER. I mean you can drive as fast as you want. Between 1980 and 1986, they experienced a 40 percent drop in their fatality rates; whereas, this Nation in the same period of time had a 26 percent drop, or about a 25 percent drop in our fatality rates. Now

it seems to me that what that indicates is that at least in a comparison between those two that the speed was not the relative factor. That there may have been other factors. There may be the use of seat belts. There may be the use—certainly in Germany proper lane discipline is practiced in Germany on those roads and that has a major effect on their ability to keep down fatalities because people do not clog up the passing lane with slow cars. And, you know, there are a number of factors like that that wouldn't indicate proof of your thesis, is my concern.

Mr. PALLONE. Well, the only thing I'm saying is, you know, without having seen the statistics and making comparisons with Germany and the United States, I wonder to what extent just because you have an unlimited speed limit in Germany people are in fact driving at the higher speeds. In other words, it may very well be that just because of the whole mentality that even though there is no speed limit the people may not be driving 65 or 75 or 80. I don't know. That's the only reason——

Mr. WALKER. Well, having driven on the autobahns, I assure you they're driving those speeds. They do—I will also tell you this though. It's kind of interesting. They don't drive much faster than that. There is a point at which drivers feel uncomfortable driving. There are a few cars that drive much faster than that on those roads. But there is a point where people begin to feel uncomfortable and it's probably around 70–75 miles an hour. At that point they begin to feel fairly uncomfortable driving at a much higher speed than that, and so most cars on those roads are running about that speed despite the fact that it's unlimited.

But the fact is that on your own New Jersey Turnpike that's about what the traffic runs too. Because I do happen to drive that most of the time. You have a 55 miles an hour speed limit and most of the traffic on there is running 70 and 75 most of the time. And so, you know, I'm not certain that your 55 miles per hour speed limit makes very much difference on the New Jersey Turnpike. Because that happens to be one that I'm familiar with, at least in an anecdotal way.

Mr. PALLONE. Well, I think that—you know, not to keep belaboring the point, but there's no question, I mean when I drive 55 in New Jersey I see almost every—well, I shouldn't—almost everybody and certainly 80 or 90 percent of the people passing me. But I still maintain that, you know, if they're traveling—if I'm at 55 and they're at 65, I believe, and I think this is what the Insurance Institute is saying, is that if you post that speed limit at a 65 you're going to see them just going that much faster. And that's really in a way what it's all about. We can't enforce—we have a difficult time enforcing any speed limit, granted. But the posted speed limit, contrary to what you're saying, I believe, does have a relationship with what—the speed that people actually are driving. I think there is a relationship.

Mr. WALKER. Well. But you made my point a minute ago, and that is that in Germany—and I agreed with you. That in Germany despite the fact that they can drive unlimited speeds, the fact is that they do not necessarily drive the higher speed the car can go. They drive the speed at which they're comfortable, which is a much different proposition, and it seems to gets reflected.

Well, I thank you, Mr. Chairman, for yielding.

Mr. VALENTINE. Thank you, Mr. Walker.

Congressman, if you would—we would appreciate it very much, I would, if you would share with me your thoughts on what, if anything, the Congress should try to do about this little device that I mentioned.

Mr. PALLONE. Well, I would be in favor of banning the devices. I don't know how many States have them or do not. I understand there are certain States that do not allow them to be used, and I would see no problem whatsoever in having a Federal law that would accomplish that.

Mr. VALENTINE. Thank you, sir.

Mr. PALLONE. Thank you, Mr. Chairman.

Mr. VALENTINE. Thank you very much.

Our second witness is Mr. Brian O'Neill, representing the Insurance Institute for Highway Safety.

Mr. O'Neill, the subcommittee is pleased that you are able to join us today. I understand that you'll be releasing new information regarding the number of fatalities and other information relative to this morning's discussion. We look forward to your presentation.

Your prepared remarks will appear in the record in toto and we request that you summarize.

STATEMENT OF BRIAN O'NEILL, PRESIDENT, INSURANCE INSTITUTE FOR HIGHWAY SAFETY, ARLINGTON, VA

Mr. O'NEILL. Mr. Chairman, thank you. I will summarize the essence of my testimony.

By December of 1987, 38 States had raised their speed limits on rural interstate highways, and speed observations indicated that the results, the first result of this was that many motorists began driving faster. The direct effect of that was about a 15 percent increase in the deaths on rural interstates that could be attributed to the increased speeds and the increased speed limits. This conclusion was reached by analyses by the Institute and by the U.S. Department of Transportation.

The first chart, which I would like to show now, illustrates this first-year effect of 55 miles per hour speed limits. This chart shows the fatalities in the 38 States that raised their speed limits in the months that had the higher speed limits on the rural interstates for 1987 and the corresponding months in prior years, and you can see that there was a big drop in—a big increase in the deaths on the rural interstates in that period.

What we're releasing today are the first—the results of the first analyses of the 1988 fatality experience on U.S. rural interstates. Just a month ago, the U.S. Department of Transportation released the computerized file of fatal accidents in the United States, and we have been analyzing the data from this file and are now ready to show some of the results of that analysis.

Our conclusion is that, in 1988, 65 miles per hour speed limits resulted in a nearly 30 percent increase in deaths on rural interstate highways, 30 percent higher than we would have expected absent the higher speed limits. The second chart shows this dra-

matic increase, the dramatic increase in deaths that occurred on the rural interstates on those States last year.

Could we have the second chart, please?

We have come to the conclusion that the 30 percent increase attributable—we reached the conclusion that there was a 30 percent increase attributable to the speed limits after comparing fatalities on these rural interstates with fatalities on urban interstates, other roads, and also looking at the experience of the States that did retain the speed limits.

Why were the effects of the—why are the effects of the speed limit changes worse in 1988 than 1987? We think the most probable reason is that travel speeds are increasing. It's clear that the 65 miles per hour speed limit is being frequently disregarded. Some good evidence of this comes from our data that we have been collecting in New Mexico, which was the first State to adopt 65 miles per hour. The third chart shows speeds that we've been monitoring on rural interstates in New Mexico since the speed limit was raised, and you can see that speeds are up. The percentage of vehicles exceeding 65 miles an hour has gone from about 35 percent immediately after the speed limit was raised, and by the end of last year and the early parts of this year over 60 percent of the vehicles were exceeding 65 miles an hour.

Similar increases are seen at the higher speeds. In April of 1987 immediately after the speed limit was posted at 65, 5 percent of the motorists were going faster than 70. By the end of 1988 and the beginning of 1989, over 20 percent of the motorists were exceeding 70 miles an hour.

We have seen similar patterns in other States. Virginia and Maryland provide a good illustration. Virginia raised its speed limit in June of last year and we saw a dramatic, an immediate jump in speeds after the 55 miles an hour speed limit was posted in Virginia. Whereas in the State of Maryland we did not see—which retained the 55 miles an hour speed limit, we did not see corresponding increases.

I would like to say just a few words at this point about the German autobahn situation that Congressman Walker raised. I think it's worth noting a few facts about the situation on the autobahns. There is no speed limit on the rural segments of the German autobahn. There is a speed limit on the urban sections of the German autobahn. On the rural autobahns there is an advisory speed limit.

The fatality rate per mile traveled on the German autobahns per 100 million miles traveled on the German autobahn was 1.6 in 1980 and 1.19 in 1986. The corresponding figures for the U.S. interstate system were 1.54 in 1980 and 1.09 in 1986. Both systems experienced significant improvements in the mileage fatality rates. There are a number of factors that have contributed to this and they are not the same from country to country.

Unfortunately, it is impossible—we have found it impossible to get separate urban and rural mileage out of Germany, so the fatality rates reflect a mixture of urban and rural mileage. We know that in the United States the mix of urban and rural mileage on the interstate system has been changing dramatically. Proportionately more of the miles are being driven today on the urban seg-

ments of the interstate than the rural segments of the interstate. We believe similar changes have occurred in Germany but we cannot get quantification of that.

It's also worth noting that in Germany they have in recent years accomplished belt-wearing rates of close to 100 percent. Something we need in the United States, but we are nowhere close to that.

Despite the better lane discipline, which I agree with the Congressman they do have in Germany, and much higher levels of belt-wearing, the fact is that they have far fewer teenage drivers in Germany than in the United States. Every year between 1980 and 1986 the mileage death rate on the U.S. interstate system was lower than the death rate on the autobahn system. Only in 1987, the most recent data available, did the situation reverse. In 1987, the U.S. mileage death rate on interstates, a national death rate in all States was 1.15. It was the first increase for some years, and the German rate dropped to 1.01. So, in 1987 for the first time since 1971, which is as far back as we have statistics, the mileage death rate in Germany was actually lower than in the United States.

I believe that the basic issue we're facing today is the fact that we have not treated speed seriously enough as a risk factor on our highways. The problem that we're dealing with I think involves much more than whether speed limits should be 55 or 65 and on what kinds of roads. The issues involve risk-taking, how much we're willing to give up in terms of safety in order to get from one place to another a little bit faster.

We have car manufacturers that are glorifying speed in their advertising, implying that speeding is fun and has no consequences. We have, as you've already mentioned, Mr. Chairman, a product that is increasingly being used on our highways, the radar detector, that is doing nothing more than facilitating the breaking of laws, whether it is a 55 miles an hour speed limit or a 65 miles an hour speed limit. The product has no purpose whatsoever beyond breaking laws. And we have to treat speed and driving fast differently than we have in the past. Otherwise, I think we are going to see ever-increasing highway deaths.

Mr. Chairman, thank you. I would be happy to entertain questions.

[The prepared statement of Mr. O'Neill follows:]

Statement before the U.S. House of Representatives Subcommittee on Transportation, Aviation, and Materials, Hearing on Increase in the National Speed Limit

Brian O'Neill, President

July 28, 1989

INSURANCE
INSTITUTE
FOR
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1005 N. GLEBE ROAD, ARLINGTON, VA 22201 (703) 247-1500

The Insurance Institute for Highway Safety is a nonprofit research and communications organization, supported by the nation's property and casualty insurers, that identifies ways to reduce motor vehicle crashes and crash losses. I'm the Institute's president and, at this subcommittee's request, I'm releasing today the results of our latest analyses of the effects of 65 mph speed limits on motor vehicle deaths.

Effects of 65

In April 1987, following 13 years of a national maximum speed limit of 55 mph, states began raising the limit to 65 mph on rural interstate highways. By December 1987, 38 states had taken this action,[1] and many motorists began driving faster. The direct effect was about a 15 percent increase in deaths on rural interstates, according to separate analyses by the Insurance Institute for Highway Safety and the U.S. Department of Transportation.

Figure 1 illustrates this first-year effect of 65 mph speed limits. The actual increase in deaths on rural interstates during the months of 1987 in which higher speed limits were in effect was 19 percent, compared to corresponding months during 1982-86. But careful analyses of deaths on rural interstates compared to deaths on other roads led to the conclusion that 65 was directly responsible for a 15 to 16 percent increase in deaths during 1987.

Today we are releasing results of the first analyses of 1988 fatality experience on U.S. rural interstate highways with 65 mph speed limits. These analyses include a number of comparisons -- deaths before and after speed limit changes on rural interstates; deaths on rural interstates compared with urban interstates; deaths on rural interstates compared

[1]The 38 states that raised speed limits on rural interstates in 1987 are Alabama, Arizona, Arkansas, California, Colorado, Florida, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, Wisconsin, West Virginia, and Wyoming.

with all other rural roads; and corresponding comparisons of the fatality experience in states where 55 mph speed limits were retained on rural interstates.

The conclusion from these analyses is that, in 1988, 65 mph speed limits resulted in a nearly 30 percent increase in deaths on rural interstate highways -- a doubling of the 15 percent increase found for 1987. (See the attached research report, "Motor Vehicle Crash Fatalities in the Second Year of 65 Mph Speed Limits.")

Figure 2 illustrates the dramatic increase in deaths last year -- an increase that's clearly related to the higher speed limits. It's a much greater increase in deaths than would have been expected if speed limits hadn't been changed. And it's a greater increase than occurred on urban interstates. In contrast, where legislators chose to retain 55 mph speed limits on all roads, the result is no significant increase in motor vehicle deaths on rural interstates.[2] By far the most important change we found from these analyses is the increase in deaths on rural interstate highways in states where speed limits were raised to 65 mph. The nearly 30 percent fatality increase on these roads in 1988, compared with previous years, translates into the tragedy of about 550 additional lives lost last year because of speed limit changes.

Increase in Deaths Greater than Predicted

The fact that 65 has led to an increase in highway deaths is dismaying, to be sure, but it's hardly surprising. Five years ago, the National Academy of Sciences predicted that the cost of raising speed limits on rural interstates in all 50 states could be as high as 500 additional highway deaths per year. In 1987, when Congress was considering whether to allow state legislators to raise speed limits to 65, a wealth of information

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[2]Eight states with rural interstate highways have retained 55 mph speed limits: Connecticut, Hawaii, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, and Rhode Island. In these states, deaths on rural interstate highways increased in 1987 (210 compared to an average of 199 for the previous five years). But in 1988 the number of deaths on these roads decreased to 182, very close to the average for the previous five years. Such year-to-year fluctuations can be expected when looking at data from a limited number of states. Overall, the number of deaths on rural interstates in these eight states has remained relatively constant.

suggested that the result would be increased deaths and injuries. And then, just last year, our own research (to which I've referred) as well as independent analyses by the U.S. Department of Transportation indicated that the direct cost in 1987 of raising speed limits was a 15 to 16 percent increase in motor vehicle deaths on rural interstates. Unfortunately, the experience in 1988 indicates that more lives than expected are being lost as a result of faster highway travel speeds. And even more lives are going to be lost unless steps are taken to curb speeding motorists.

Travel Speeds Increasing

Why were the effects of speed limit changes so much worse in 1988 than in 1987? The most probable reason is that travel speeds are increasing. When the national maximum speed limit of 55 mph was in effect, its critics liked to point out how often it was exceeded. The Governor of Utah, for example, told the House Subcommittee on Surface Transportation that 55 had spawned "the kind of mass law-breaking unseen since prohibition." The idea of proponents of 65 was that, once the new speed limits were implemented, enforcement would be easy because most motorists would choose to obey. Representative Shaw of Florida and others, for example, agreed that under 65 mph speed limits, people wouldn't automatically "crank that speed up 10, 15 miles above the limit."

The problem is, many people do. Motorists are cranking speeds up well above the new, higher limits, so the optimistic expectations of some about compliance with 65 haven't panned out. It's true that speeding isn't as rampant now as it was in the waning months of the 55 mph national speed limit, but people aren't automatically abiding by 65, either. Many motorists are exceeding it. More and more of them are going 70 or 75. A surprising number of them are going even faster.

Solid evidence of this comes from New Mexico, the first state to adopt 65. As Figure 3 indicates, immediately after rural interstate speed limits in New Mexico were increased in April 1987, about one out of three passenger cars on rural interstate highways was

exceeding 65 mph. Within months, the corresponding percentage was up to two out of three cars speeding -- and that's still the case on New Mexico's rural interstates. Look, too, at the number going faster than 70 mph (Figure 3). As of April 1987, only five percent of all passenger cars were exceeding this speed. Now 24 percent are going this fast -- nearly a fivefold increase since speed limits were changed.

And that's not the worst of it. Really excessive speeding is on the increase, too. The number of cars exceeding 75 mph on rural interstate highways in New Mexico went up sixfold between April 1987 and April 1989. Exceeding 80 increased from a rare one car per thousand to more like two or three cars per hundred.

We're finding a similar story in other states where we're monitoring motor vehicle travel speeds. In Virginia, for example, the percentage of motorists exceeding 65 mph on rural interstates almost doubled immediately after the speed limit was raised. The percentage exceeding 70 more than doubled. But, in nearby Maryland where 55 mph speed limits have been retained, no corresponding increases in motorists going faster than 65 or 70 mph occurred.

A year later, speeds on Virginia's rural interstates were even higher -- just as they were in New Mexico -- while in states like Maryland where 55 is still in effect this pattern is notably absent. Maryland motorists may not be observing the 55 mph limit, but virtually none of them are traveling at the excessive speeds we're observing in states with 65 mph speed limits.

The lesson from New Mexico, Virginia, and elsewhere is that many motorists will exceed the speed limit whether it's 55 or 65. Speed limits -- even when they're not obeyed to the letter -- succeed in controlling speeds because few motorists seem to be willing to go more than 10 mph faster than the posted speed. Thus, 65 means that more motorists will go 70 or faster. And they'll continue doing so until we get a lot more serious about keeping travel speeds in check.

[illegible] Institute for Highway Safety
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July 1989

Issue Is Larger Than Setting Speed Limits

The issue before this subcommittee -- and, indeed, before the nation -- involves much more than whether speed limits should be 55 mph or 65 and on what kinds of roads. The issue involves risk-taking and how much we are willing to give up in terms of safety in order to get from one place to another a little bit faster. In many respects, these are times of increased attention to highway safety issues after many years of ignoring them. The most obvious example of this involves driving while impaired by alcohol. Only a few years ago, many people thought driving while a little over the legal alcohol limit was acceptable behavior. But now driving while impaired by alcohol has become socially unacceptable to most people.

We have to develop the same overall attitude about speeding that we have about impaired driving. It's widely recognized, for example, that even drivers who've consumed only moderate amounts of alcohol have slowed reaction times and other impairments that increase their chances of being in a crash. Although speeding doesn't impair skills like alcohol does, it reduces the time drivers have to avoid crashes. So the effect of driving fast is similar to alcohol impairment -- it increases both the likelihood and the severity of a crash.

Advertisements and Promotions Emphasize Speed

Still, we don't consider speeding as serious a social problem. Automakers imply in their advertisements that speeding is fun and has no consequences. Some news writers worsen the problem by glorifying speed and high-performance cars. U.S. auto magazines, for example, are replete with Porsche ads saying the 928S 4 model provides "an attractive alternative to air travel" in Germany where, the automaker pointedly notes, there are no speed limits. The 928S 4 can go 165 mph and, Porsche brags, it is "one of the three fastest production cars in the world." Acura says the interior of its cars "was designed at 125 mph." Ford is touting a new supercharged Thunderbird SC. And even Subaru, known for its no-nonsense cars, advises readers to "catch us doing '90." The

precise meaning of this has to do with looking out for the 1990 Subaru Legacy, but the clear implication of the advertisement is that the Legacy is faster than the competition.

Another car that's getting a lot of attention is General Motors' Corvette ZR-1 that can go from 0 to 60 mph in four seconds and top 180 mph. There's no reason at all why any production car should be built to go three times the legal speed limit on the fastest roads, of course, but Chevrolet's chief engineer said he had told his design staff working on developing the ZR-1 that "when I stepped down on the throttle, I wanted to be scared." He may want to be frightened by power, but what frankly frightens me is this kind of out-of-control emphasis on speed and performance. The ZR-1 is the ultimate muscle car, and muscle cars just aren't compatible with safety.

In contrast to this emphasis on speed and performance in U.S. car advertising and promotion, it's interesting to note that, in France, the government has successfully pressured automakers and importers into a tough new code forbidding the advertising of how fast a car can go. This would be a good idea in the United States, too. It would keep automakers from their current practice of glorifying speed in the big print of their advertisements and then adding, in footnotes that are printed in the smallest possible type, disclaimers that the ads shouldn't be construed as endorsements of speeding.

Conclusion

The basic problem is, our collective conscience hasn't yet grasped that driving at high speed is an unacceptable risk -- a risk in the same league as drinking and driving. Both cost lives. Both are against the law. Both are subject to uniform legal limits. Yet driving while impaired is treated as a serious problem while speeding all too often is thought of as O.K. if you can get away with it. Both practices ought to be unacceptable, not just under the law but also according to social mores. Public policymakers have to understand that the cost of faster travel is human tragedy. Auto manufacturers have to quit glamorizing high speed and performance. And we all have to weigh with more

concern the tradeoff between getting there a little faster and increasing highway deaths.

Present trends aren't hopeful, though. Travel speeds are faster -- and motor vehicle deaths more numerous -- on rural interstates where speed limits have been raised. Speeds are creeping up on other roads, too. The popularity of muscle cars is growing. Clearly, speeding isn't disapproved of as much as alcohol-impaired driving, even though it produces the same effect -- increased risk of injury or death.

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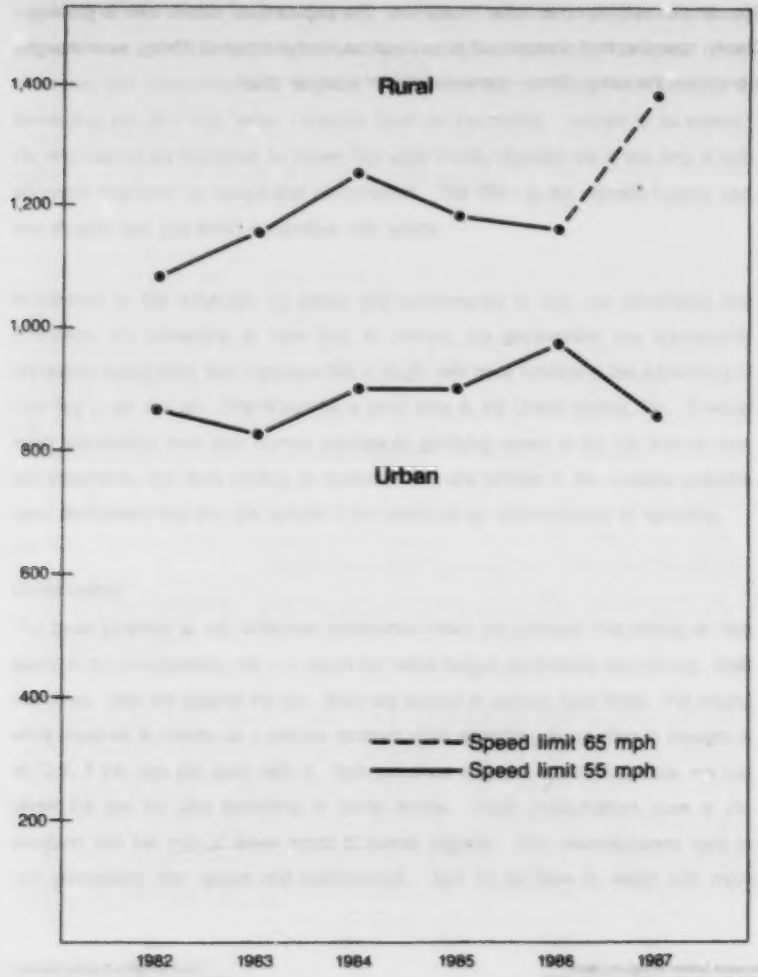
July 1989

Figure 1
Deaths in Selected Months on U.S. Interstate Highways in the 38 States That Raised Speed Limits to 65 mph in 1987



Deaths in each year include only those in the months corresponding to those *after* speed limit changes in 1987.

Figure 2
Total Deaths on U.S. Interstate Highways in the 38 States That Raised Speed Limits to 65 mph in 1987

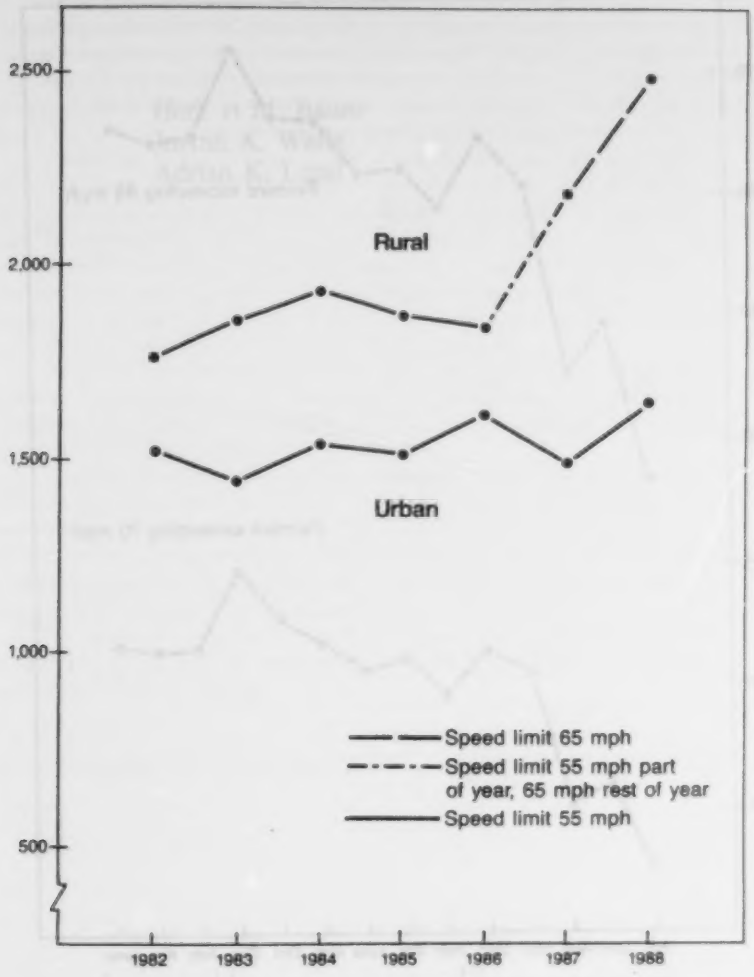
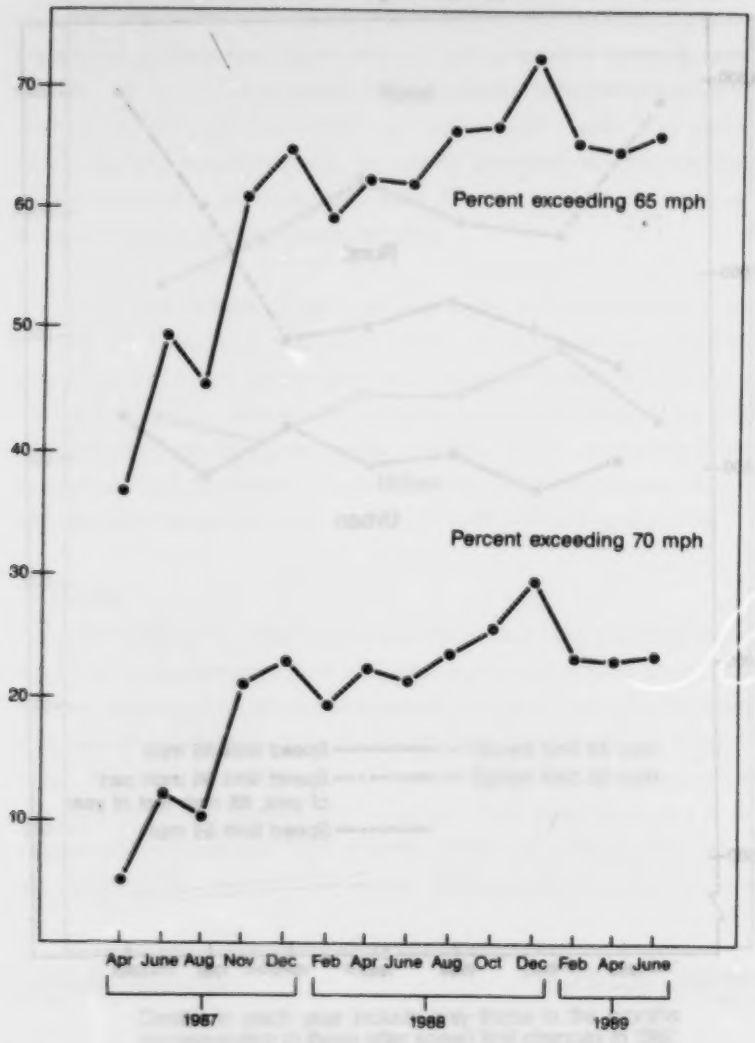


Figure 3
Percent of Passenger Cars Exceeding 65 mph and 70 mph on Rural Interstates in New Mexico



Motor Vehicle Crash Fatalities in the Second Year of 65 MPH Speed Limits

Herbert M. Baum
JoAnn K. Wells
Adrian K. Lund

ABSTRACT

In 1987, the federal government relaxed the 55 mph national maximum speed limit, permitting states to post 65 mph speed limits on rural interstate highways. By the end of 1987, 38 states had done so and two additional states followed suit in 1988. It is estimated that the higher speed limit caused motor vehicle crash fatalities to be 26-29 percent higher in 1988 than they would have been if the speed limit had remained at 55 mph. This translates into over 500 deaths attributable to the higher speed limits on rural interstate highways. Overall, it is estimated that more than 700 people, who would have lived had the limit not been raised, have died on rural interstate highways since states began to post 65 mph limits in 1987. The effect of the higher limit doubled between 1987 and 1988, and the 65 mph limit may cost far more in death and injury than predicted prior to the speed limit increase.

INTRODUCTION

In 1987, Congress enacted the Surface Transportation and Uniform Relocation Act (P.L.100-17), which allowed states to increase speed limits on rural interstate highways from 55 to 65 mph. By the end of the year, 38 states had increased the speed limit on most sections of their rural interstate highways (Table 1). In a previous report, it was estimated that the first months of the higher limits produced a 15 percent increase in rural interstate fatalities (Baum, Lund, and Wells 1989). The National Highway Traffic Safety Administration (NHTSA), after adjusting for the number of vehicle miles traveled on rural interstates, estimated a similar increase in fatalities of 16 percent due to the higher limits (NHTSA, 1989). The increase in fatalities translates into nearly 200 excess deaths (Baum, Lund and Wells, 1989). It was also noted that even more fatalities could be expected in 1988, because the states that changed speed limits in 1987 would have one full year of experience rather than just a few months.

Although several studies have tried to estimate the effects of higher speed limits for individual states (e.g., McCarthy, 1988; Minnesota Department of Public Safety, 1988; and Virginia Department of Transportation, 1989), national studies provide the best estimates of the real effect of the higher speed limits. The number of crashes and fatalities that occur in any single state are usually too small for meaningful statistical analysis. Even in states where the numbers are larger, there is often significant variation in fatality counts from year to year for reasons that are not always identifiable. Not surprisingly, the estimates of the effect of higher speed limits in individual states vary greatly and provide a misleading and confusing picture of the actual effect of higher speed limits.

During 1988, another two states adopted 65 mph speed limits on their rural interstate highways. In addition, 16 states in response to a four year Congressional demonstration project (P.L. 100-202) raised the speed limits on 2,200 miles of interstate quality roads (Table 2). Thus, in 1988 there were even more miles of roadway subject to the 65 mph speed limit than in 1987.

In addition, periodic monitoring by the Insurance Institute for Highway Safety of speeds on rural interstates in New Mexico, the first state to post the higher limits, reveals that speeds continued to increase throughout the period of the higher limits. The percent of drivers exceeding 70 mph rose from 5 percent in April 1987, just after the speed limit changed, to 29 percent in December 1988. If this pattern of increasing noncompliance with the new speed limit is common throughout the United States, then it is likely that the effect of the 65 mph speed limit would be higher in 1988 than 1987.

This report presents estimates of the effect of the higher speed limits on fatalities in 1988 and for the entire period of higher limits. The extent to which the effect has changed during the second year of the 65 mph speed limit is also examined.

This work was supported by the Insurance Institute for Highway Safety.

METHODS

Data for this study are from the Fatal Accident Reporting System (FARS), which is a federally maintained computerized data base of all fatal motor vehicle crashes on highways in the United States since 1975 (NHTSA, 1988). Monthly counts of fatalities on rural interstates were obtained for each year from 1982 through 1988. For comparison purposes, similar counts were obtained for all other rural roads and for all other roads.

Of the 40 states that had a 65 mph speed limit on rural interstates in 1988, 38 had the higher limit for all 12 months; Georgia established the higher limit beginning in February 1988 and Virginia in July 1988. To facilitate comparisons with the previous report, Georgia and Virginia were excluded from most analyses. The states adopting the 65 mph speed limit on rural interstates during 1987 did so from April through November of that year. To compensate for the differing number of months of exposure of each state in 1987, fatality counts were aggregated for all complete months after the month in which the higher speed limit was instituted in each state; these were termed "post-implementation" months (Table 1). For other years, the counts for the post-implementation months for any state were the same months as used in 1987.

Fatalities on rural interstates were tabulated across states and across years. As previously noted, similar totals were obtained for other rural roads and for all other roads. The data were also classified by whether the time period was before the speed limit change (1982-1986) versus after (1987-1988). The data were tested for significance by creating odds ratios -- a statistical device for comparing the experience of two groups. An odds ratio larger than one indicates the risk of fatality was greater on rural interstates after enactment of the higher speed limit. The odds ratio is statistically significant if the lower bound of the 95 percent confidence interval about the odds ratio does not include one (Fleiss, 1973). All odds ratios presented, unless otherwise noted, are statistically significant. Although the number of rural interstate fatalities during the post-implementation months increased marginally from 1982 to 1986, the yearly ratios of the number of rural interstate fatalities to either the number of fatalities on other rural roads or all other roads has remained constant over that period. Thus, the proposed odds ratio is unaffected by this minor temporal trend and can be used to measure real changes in risk following the change in the speed limits.

Odds ratios were created for four periods. The first estimates the effect for all of 1988. This estimate compared annual data for 1982-86 with annual data for 1988. The second ratio was developed by examining the fatality experience during all the months in 1987-88 when the higher limits were in force and comparing this with the corresponding months in 1985-86 to estimate the overall effect of the higher speed limit.[1] The third and fourth estimates are linked together. Using the same set of post-

[1] This analysis uses a range of 15 to 20 months of exposure. This is different than what was done previously (Baum, Lund, and Wells, 1989). However, when the effect of the 65 mph speed limit in 1987 was re-estimated using this new time span, the odds ratios were virtually identical.

implementation months that were used to produce the 1987 estimate (Baum, Lund, and Wells, 1989), an estimate for 1988 was generated. This estimate was then used to determine whether the size of the effect changed in 1988 compared to 1987.

Eight states have eligible miles of rural interstate highways but have retained the lower speed limit: Connecticut, Hawaii, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, and Rhode Island. Because these states are clustered in the densely populated Northeast, their fatality experience is not directly comparable to that of the states that have raised their speed limits. Nevertheless, it is of interest to examine their experience for signs of fatality changes in the same periods. To examine this, an additional set of analyses were conducted comparing fatalities after April 1987 in these eight states to determine whether there were any corresponding changes, even though the speed limits remained unchanged. Odds ratios comparing fatalities on rural interstates with other rural roads and all other roads in these eight states were computed. The methods used in this paper implicitly assume that all the rural interstates in the changed states were posted at 65 mph and that speeds and speed limits did not increase on the comparison roads. Only 93 percent of the eligible rural interstate miles in these 38 states were actually posted at the 65 mph limit (NHTSA, 1989), and there is no way to identify in prior years the very limited rural interstate segments that subsequently remained posted at 55 mph. In addition, FARS coding does not allow for separation of noninterstate highway mileage posted at 65 mph under the Congressional demonstration project from other rural, noninterstate mileage; consequently, some of the fatalities on comparison roads actually occurred under a 65 mph speed limit. This of course makes any estimated effect of 65 conservative. In addition, the phenomenon of speed adaptation suggests that higher speeds on rural interstates will spill over to other roads (Casey and Lund; 1987; 1988). To the extent that higher speeds do result in more fatalities, these factors would cause an underestimate of the true effect of higher speed limits on rural interstates.

RESULTS

Figure 1 illustrates rural interstate fatality counts for the post-implementation months from 1982 to 1988 for the 38 states that changed their speed limits to 65 mph. The number of fatalities did not vary greatly from 1982 to 1986. This was followed by a rise in fatalities in 1987 and a further rise in 1988. Comparing the average number of fatalities in the post-implementation months on rural interstates for 1982-86 to 1988 revealed a 36 percent increase. Corresponding comparisons for all other roads and other rural roads showed only small increases in the number of fatalities (about 4 percent for both comparisons).

Figure 2 illustrates annual rural interstate fatality counts for 1982-88 for the 38 states that raised their speed limits in 1987. In this figure, the fatality experience in 1982-86 was under 55 mph limits, in 1987 a mixture of 55 and 65 mph limits, and in 1988 under 65 mph limits. The odds ratio for annual fatalities (12 months) during 1982-86 versus annual fatalities during 1988, shows a 26 percent increased

risk (Odds Ratio = 1.26), when the experience on rural interstates is compared to other rural roads (Table 3.A). The odds ratio was slightly higher when all other roads were used as the comparison (Odds Ratio = 1.29).[5] The estimate for the entire period when higher speed limits were in effect yields an increased risk of 24 percent for the comparison with other rural roads and 27 percent for the comparison with all other roads (Table 3.B). When the experience during the post-implementation months of 1982-86 versus 1988 was examined, the odds ratios were slightly greater than those obtained from the total annual counts (1.31 versus 1.32 for the comparisons with other rural roads and all other roads, respectively, see Table 3.C). These ratios were twice as high as the comparable odds ratios estimated for 1987 (Baum, Lund, and Wells, 1989). This increase in the effect of the speed limit is statistically significant as indicated by the comparison shown in Table 3.D: The rural interstate fatality counts in 1988 were 13-14 percent higher than expected even when compared with fatality counts during the same months in 1987.

None of the odds ratios for the eight states that retained 55 mph as the maximum speed limit were statistically significant (Table 4).

DISCUSSION

The National Research Council review of the effects of the 55 mph national maximum speed limit estimated that a return to the speed limits that existed prior to 1973 would increase fatalities on interstate highways by 20-25 percent (NRC, 1984). However, data from 1988 suggest that the National Research Council greatly underestimated the effect of higher speed limits. The estimated effect of higher speed limits in 1988 based on all 40 states translates into 531 to 566 deaths attributable to the higher speed limit. The finding that the effect of the higher limit doubled in 1988 compared to 1987 suggests that even more lives will be lost in 1989 if speeds continue to increase.

In addition to the negative effect of higher speeds in the states that adopted 65 mph speed limits, there has been concern that higher speeds would spill over into the states that retained the 55 mph maximum speed limit (May, 1988). As a result, many of the eight states that retained 55 mph speed limits have adopted special speed enforcement measures. For example, Massachusetts has increased the fines for speeding and indexed them to the amount of excess speed ($30.00 for the first 10 mph over the limit and $10.00 for each mph above that) (Ferson, 1988). In New York, the maximum fine for speeding was quadrupled to $400.00, and police in that state and other bordering states have cooperated in joint efforts to control speeds on selected highways (James, 1989). So far, there has been no statistically significant increase in fatalities on the rural interstate highways in those eight states, although the odds ratios were positive but not significant for 1988.

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[5]The analysis in Table 3 was duplicated using all 40 states with higher speed limits in 1988 (in Georgia and Virginia the fatality counts for each year included only the months during which the speed limit was 65 mph in 1988), and the results were very similar to those presented in Table 3 (36 percent when other rural roads was the comparison and 28 percent when all other roads was the comparison).

As a final note, it should be re-emphasized that the effects of 65 mph speed limits on rural interstate highways, estimated here, are probably conservative [illegible] motor vehicle crash fatalities on rural interstate highways to fatalities on other highways [illegible] speeds are not increasing on the comparison highways. In fact, there is reason to believe that higher speed limits on rural interstate highways have led to higher speeds on connecting roads (Casey and Lund, 1987, 1988). Additionally, it is to be expected that there have been increases in fatalities on some of the comparison roads that have been posted at higher speed limits under the congressional demonstration project. These factors would mask some of the effect of increased speed limits on rural interstate highways as measured by the present analyses. Thus, although the estimated deaths attributable to higher speed limits in 1987-88 are a national tragedy, it is likely that the true cost of higher speed limits is even greater.

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Table 1

Effective Dates for 65 mph Speed Limit and Months of Data Included in Analysis, 38 States

State	1987 Effective Date	Analysis Months
Alabama	July 20	August-December
Arizona	April 15	May-December
Arkansas	April 20	May-December
California	May 28	June-December
Colorado	April 6-10	May-December
Florida	April 27	May-December
Idaho	May 2	June-December
Illinois	April 27	May-December
Indiana	June 1	July-December
Iowa	May 12	June-December
Kansas	May 14	June-December
Kentucky	June 8	July-December
Louisiana	April 8	May-December
Maine	June 17	July-December
Michigan	November 29	December
Minnesota	June 17	July-December
Mississippi	April 14	May-December
Missouri	May 1	June-December
Montana	April 16	May-December
Nebraska	April 27	May-December
Nevada	April 13	May-December
New Hampshire	April 16	May-December
New Mexico	April 2	May-December
North Carolina	August 10	September-December
North Dakota	April 16	May-December
Ohio	July 15	August-December
Oklahoma	April 6	May-December
Oregon	September 27	October-December
South Carolina	July 15	August-December
South Dakota	April 15	May-December
Tennessee	May 8	June-December
Texas	May 9	June-December
Utah	May 21	June-December
Vermont	April 21	May-December
Washington	April 20	May-December
West Virginia	April 20	May-December
Wisconsin	July 17	August-December
Wyoming	May 19	June-December

Table 2

States Posting and Number of Non-Interstate Miles Posted over 55 mph, June 16, 1986

State	Miles Posted
Alaska	11
Arkansas	88
California	142
Florida	215
Illinois	69
Iowa	95
Kansas	37
Kentucky	560
Michigan	428
Minnesota	5
Nevada	23
New Hampshire	12
Oklahoma	278
Texas	74
West Virginia	32
Wisconsin	131
Total	2,200

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Table 3

Number of Fatalities by Road Type and Time Period, 38 Changed States

	Speed Limit Change			
	After	Before	Odds Ratio	95% Confidence Interval
A. Yearly Data				
	1988	Avg. 1982-86		
Rural Interstates	2,485	1,850.6		
vs Other Rural Roads	20,251	18,986.2	1.26	(1.18 - 1.34)
vs All Other Roads	34,066	32,702.2	1.29	(1.21 - 1.37)
B. All Months with 65 mph speed limit in 1987 & 1988 corresponding months in 1985 & 1986				
	1987-88	1985-86		
Rural Interstates	3,879	3,022		
vs Other Rural Roads	31,970	30,991	1.24	(1.18 - 1.31)
vs All Other Roads	53,669	52,906	1.27	(1.20 - 1.33)
C. Post-Implementation Months				
	1988	Avg. 1982-86		
Rural Interstates	1,594	1,169.2		
vs Other Rural Roads	11,759	11,259.2	1.31	(1.21 - 1.41)
vs All Other Roads	19,797	19,110.2	1.32	(1.22 - 1.42)
D. Post-Implementation Months				
	1988	1987		
Rural Interstates	1,594	1,394		
vs Other Rural Roads	11,759	11,719	1.14	(1.06 - 1.23)
vs All Other Roads	19,797	19,603	1.13	(1.05 - 1.22)

Table 4

Number of Fatalities by Road Type and Time Period, Eight Unchanged States

	Speed Limit Change			
	After	Before	Odds Ratio	95% Confidence Interval
A. Yearly Data				
	1988	Avg. 1982-86		
Rural Interstates	182	169		
vs Other Rural Roads	2,788	2,659.8	1.03	(0.83 - 1.27)
vs All Other Roads	7,319	6,776.6	1.00	(0.81 - 1.23)
B. All Months with 65 mph speed limit in 1987 & 1988 corresponding months in 1985 & 1986				
	1987-88	1985-86		
Rural Interstates	334	300		
vs Other Rural Roads	5,017	4,757	1.06	(0.90 - 1.24)
vs All Other Roads	12,793	12,078	1.05	(0.90 - 1.23)
C. Post-Implementation Months (May - December Each Year)				
	1988	Avg. 1982-86		
Rural Interstates	130	125.4		
vs Other Rural Roads	2,054	1,999.8	1.01	(0.78 - 1.30)
vs All Other Roads	5,339	4,964.6	0.96	(0.75 - 1.23)
D. Post-Implementation Months (May - December Each Year)				
	1988	1987		
Rural Interstates	130	152		
vs Other Rural Roads	2,054	2,229	0.93	(0.73 - 1.18)
vs All Other Roads	5,339	5,474	0.88	(0.69 - 1.11)

Figure 1

Fatalities on Rural Interstates
38 states that increased speed limits
in 1987, post-implementation months

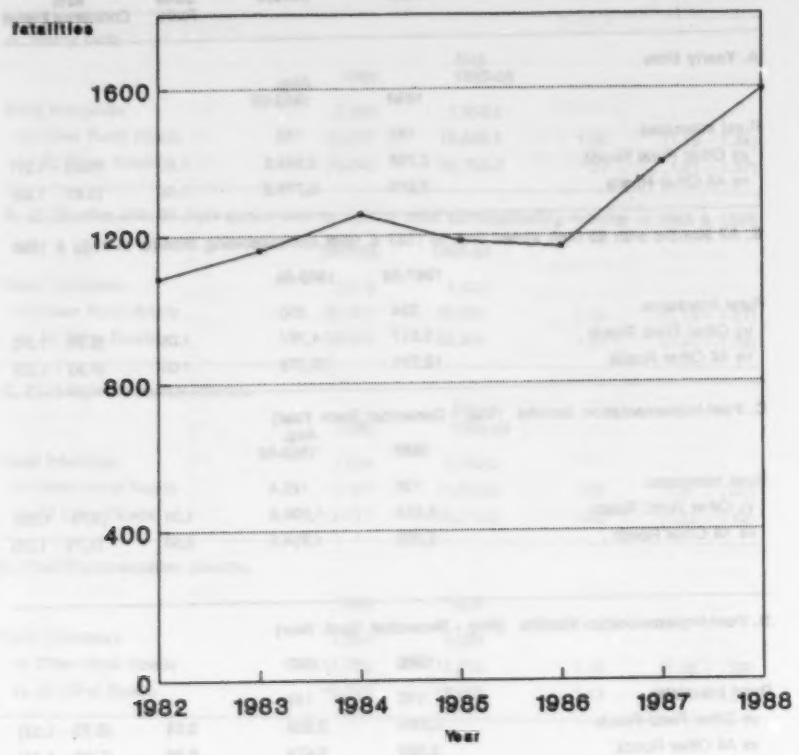
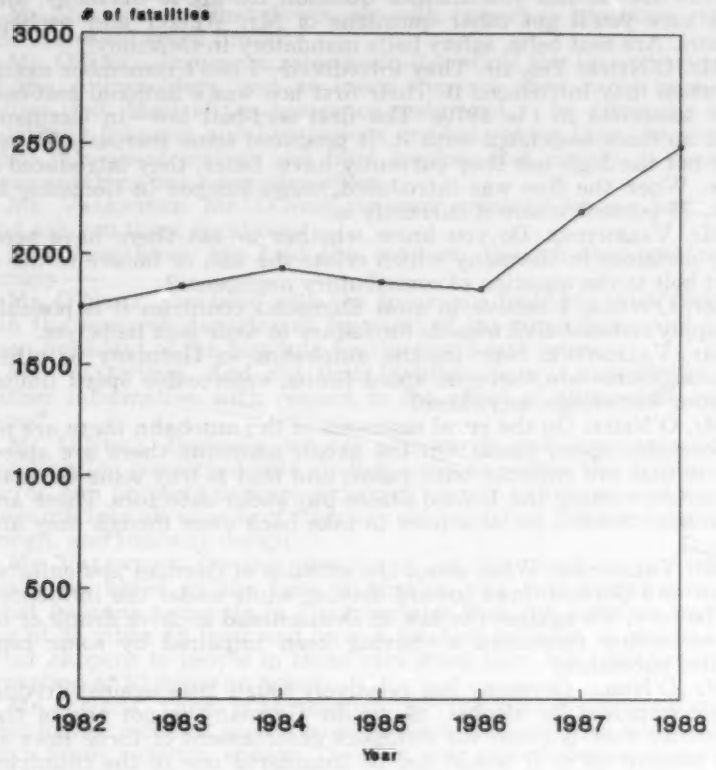


Figure 2

Annual Number of Deaths on Rural Interstates, 38 states that increased speed limits in 1987



Mr. VALENTINE. Thank you, Mr. O'Neill.

Do you have any information close by as to how many States in the Union have outlawed these radar detection devices?

Mr. O'NEILL. Radar detector devices are illegal in Virginia, Connecticut, and the District of Columbia. That is the only places where the product is outlawed. It is, by the way, outlawed in Germany and most other European countries.

Mr. VALENTINE. I was going to ask you that question.

Now let me ask you another question too about Germany, and I'm sure you'll get other questions of Mr. Walker and perhaps others. Are seat belts, safety belts mandatory in Germany?

Mr. O'NEILL. Yes, sir. They introduced—I can't remember exactly when they introduced it. Their first law was a national seat-belt law sometime in the 1970s. The first seat-belt law—in Germany had no fines associated with it. It produced some increases in use but not the high use they currently have. Later, they introduced a fine. When the fine was introduced, usage jumped in Germany to over 95 percent where it currently is.

Mr. VALENTINE. Do you know whether or not there have been any decisions in Germany which relate the use, or failure to use a seat belt to the question of contributory negligence?

Mr. O'NEILL. I believe in most European countries it is possible to apply reduced civil awards for failure to wear seat belts; yes.

Mr. VALENTINE. Now in, the autobahns in Germany or other thoroughfares are there no speed limits, enforceable speed limits, to your knowledge, anywhere?

Mr. O'NEILL. On the rural segments of the autobahn there are no enforceable speed limits. On the urban segments there are speed limits that are enforced with radar, and that is why some German motorists visiting the United States buy radar detectors. There are European models for sale here to take back even though they are illegal.

Mr. VALENTINE. What about the attitude of German law enforcement and German laws toward driving while under the influence? To be sure, it's against the law in Deutschland to drive drunk or to drive having consumed a—having been impaired by some controlled substance?

Mr. O'NEILL. Germany has relatively tough laws against driving while impaired by alcohol, as we do. Germany is not one of the countries that is noted for stringent enforcement of those laws at the present time. It would not be considered one of the countries doing a better job in that regard.

Mr. VALENTINE. Do you have any safety recommendations, other than what have already been expressed, to make to this subcommittee at this time?

Mr. O'NEILL. Well, Mr. Chairman, I believe that the problem of speed on our highways is a serious problem, and there are increasing difficulties facing law enforcement officials in trying to enforce current speed limits whatever they be. And one of the problems is the problem of traffic density. The greater the traffic density, the more difficult it becomes for the police to enforce moving traffic violations. In fact, in England where the motorway speed limit is posted at 70 miles an hour and the overwhelming bulk of motorists are traveling 80 miles an hour, the police because of traffic density

have publicly stated that at most times of the day they are unable to enforce the speed limits on the English motorways because of the traffic density.

I believe this means that we need to do and begin exploring what a number of European countries are doing, and that's looking at automated enforcement of speed limits. This is happening in Switzerland, Italy, and France, so that the police are able to impose fines and sanctions on violating motorists without creating other risks by stopping them in this high-speed, high-density traffic.

Mr. VALENTINE. What do you see with respect to insurance rates and increased speed limits?

Mr. O'NEILL. Insurance rates basically reflect the loss experience of the policyholders, and as losses increase then rates have to follow that. Most of the insurance costs tend to be driven by the relatively frequent and less serious crashes rather than the somewhat infrequent serious and fatal crashes. But clearly, it cannot have anything but a negative effect.

Mr. VALENTINE. Mr. O'Neill, in your opinion—let me back up and ask you these questions.

How long have you held the position, the job that you now occupy——

Mr. O'NEILL. I've been with the Insurance Institute since 1969. I ran the research department for most of the time there, and I've been president of the Institute for the last 3 or 4 years.

Mr. VALENTINE. And did that Institute have responsibility to gather information with respect to the effect of automobile collisions?

Mr. O'NEILL. Basically, we are a research and communications organization concerned with finding ways to reduce the deaths, injuries, and property damage occurring on our highways, and we do research into all aspects of highway safety, driver behavior, vehicle design, and roadway design.

Mr. VALENTINE. On the question of, on this question, can there really be, based on the laws of physics, any real question as to what happens to people in 2 automobiles that run together traveling at 35 miles an hour and have a head-on collision as opposed to what happens to people in those cars when they run together each traveling at 55 miles an hour?

Mr. O'NEILL. There is no question that the laws of physics dictate that higher collision speeds must produce more injuries and deaths than lower collision speeds. There is also overwhelming scientific evidence that when speeds increase the frequency of traffic accidents also increase. So we get a double effect from higher travel speeds. They are more frequent, accidents become more frequent and the consequences are more severe.

Mr. VALENTINE. Do you have any information to share with this subcommittee as to the impact of increased trauma and fatalities on the taxpayers; that is, in hospital and medical bills, and crushed and twisted bodies and deaths as a result of increased speeds?

Mr. O'NEILL. Mr. Chairman, there is no question that deaths and injuries from motor vehicle crashes are one of the leading public health problems facing this country. It's the leading cause of death for persons—motor vehicle crashes are the leading cause of death for persons age 1 to 35; and for the ages of 16 to 22, virtually, more

than half of all deaths result from motor vehicle crashes. It is the leading cause of paraplegia, quadriplegia and serious brain damage in the United States. We pay a big health cost for motor vehicle—resulting from motor vehicle accidents.

Mr. VALENTINE. Do you have any statistical information which you can share with this subcommittee, Mr. O'Neill, as to how many automobiles which are approached by law enforcement officers after a collision have these so-called "fuzz buster" devices installed therein?

Mr. O'NEILL. There is only a limited amount of information available on that, Mr. Chairman. I do know and there are figures from the Virginia State Police on the numbers of devices that they have issued citations for and it's a lot of citations issued in the State of Virginia for violating the prohibition against the use of radar detectors.

Mr. VALENTINE. Do you——

Mr. O'NEILL. There is not much in the way of systematic investigation of motor vehicle crashes to systematically look for the presence or absence of radar detectors.

Mr. VALENTINE. Do you know or can you tell the subcommittee, or can you tell me as chairman of the subcommittee where in this country or overseas these devices are manufactured and any information about their sale and distribution? That is, I'm trying to find out how many of these things are put out in this country and offered to the general public in a year's time.

Mr. O'NEILL. Their sales, I believe, are now over several million units. I believe this is one of the few electronic devices that the U.S. industry still leads the world in. It's a dubious honor, I'm afraid. I think the—I believe the biggest U.S. manufacturer is Cincinnati Microwave. But increasingly these devices are also being imported from Japan and other Asian countries.

Mr. VALENTINE. Thank you, Mr. O'Neill.

Mr. Walker.

Mr. WALKER. Thank you, Mr. Chairman.

Just to go back and reiterate here for a moment. I listened carefully to your figures. It sounded as though you agreed with me that there had been a considerable drop in deaths in Germany in the period 1980 to 1986; is that right?

Mr. O'NEILL. That is correct. There was a big drop in the mileage death rate in Germany and actually an even bigger drop in the same period in the mileage death rate in the United States.

Mr. WALKER. Yes. And you were citing just autobahn statistics. The statistics that I was citing were national statistics.

Mr. O'NEILL. These are just on the autobahn.

Mr. WALKER. And you don't have any reason to believe that my statistics were wrong on that?

Mr. O'NEILL. No. No. No, sir.

Mr. WALKER. Okay. And that, and what you were indicating was that the death rate on the German autobahns and on the United States is approximately equal? I mean, the figures that you had there throughout the whole period of time it sounded to me as though the death rate on the two was approximately equal. They were both going down at a similar rate, but it sounded to me as

though they were approximately equal during that whole period of time; is that right?

Mr. O'NEILL. They were relatively close together, although consistently every year the rate was slightly lower on the U.S. interstate system than on the autobahn system. The exception being 1987 where that reversed.

Mr. WALKER. Yes. But that's probably within a statistical margin of error and so on. I mean, it's a very, very close statistics all the way through, which would seem to indicate that the issue here is not really one of speed. You know, there—as you pointed out, and I think rightfully so, there are a number of other factors that may well enter in. We may do some things better than Germany. I think we do a better job of drunken driver enforcement than Germany does. I don't think there's any doubt about that. I think they do a better job of seat-belting people than we do. And, so that there are a number of factors here that weigh into that but do not necessarily relate to the question of speed.

And I guess I'm somewhat concerned that that's where your principal focus seems to be. Because from what your own analysis tells us is that we could do everything possible to limit speeds, we could drop speeds down to 25 miles an hour, and I assume that that would be absolutely agreeable to you because you would see——

Mr. O'NEILL. No, sir.

Mr. WALKER. Oh. Well, what is the speed limit you think it should be?

Mr. O'NEILL. I believe that the choice of speed limits is a political choice.

Mr. WALKER. Well. No, no. No. You're coming in here and you're telling us that speed kills and we've got a problem with speed and we need to focus more attention on it. I want to know what is the speed that you think should be the top speed on American highways?

Mr. O'NEILL. I believe that that's a very difficult question to answer.

Mr. WALKER. Sure is.

Mr. O'NEILL. But let me try to answer it this way. For a period, the 55 miles an hour speed limit was effective in controlling the really excessive speeds on our highways. It was not widely observed as the—nor is the 65 miles an hour speed limit widely observed. My organization is concerned with safety, so our priority is to find speed limits that are compatible as possible with safety. That does not necessarily mean lower and lower speed limits because for many——

Mr. WALKER. At 5 miles an hour we would kill no one; right?

Mr. O'NEILL. And we would have no mobility and it's probably totally unenforceable and unacceptable.

Mr. WALKER. Absolutely.

Mr. O'NEILL. So we have to strike a balance between what is somewhat acceptable, somewhat enforceable, and also allows the society some mobility.

Mr. WALKER. So the citing of fatality statistics becomes somewhat academic here because what you're saying is that at 5 miles an hour we could have no deaths, but we're not willing to accept

that as a society. I assume you would agree that 10 miles an hour we're probably not willing to accept either, right?

Mr. O'NEILL. That's correct.

Mr. WALKER. Fifteen?

Mr. O'NEILL. That's correct.

Mr. WALKER. Twenty?

Mr. O'NEILL. Well, I suspect that something below 55 would not be acceptable.

Mr. WALKER. Okay. So, in other words, in other words, at 55 you are willing to take all the risks incumbent. So what we're really talking about now in your testimony is the gradation between 55 and 65. And then I go to your charts, and I look at your charts and I think your charts reflect something a little bit, to be a little bit concerned about because most drivers are aware that under present enforcement techniques police are not probably going to enforce the speed limit at much below 10 miles an hour over the speed limit.

Mr. O'NEILL. Five to 10 miles an hour.

Mr. WALKER. Yes. Well, in most States.

Mr. O'NEILL. I think there is an expectation that there is a lack of enforcement; yes, sir.

Mr. WALKER. In most States. So what you are doing is you are citing statistics there that show the number of drivers above 55 up to about 70 and 75, and then you're also taking the 65. Of course you're going to have more people driving over 65 miles an hour, and even over 70, if they don't think that's—that they're outside the enforcement range. And so therefore those statistics and your charts up there just don't seem to reflect any real basis of reality.

Mr. O'NEILL. Well, Congressman, what the charts are are actual measurements of speed behavior on the highways.

Mr. WALKER. Okay.

Mr. O'NEILL. When we testified at the hearings in 1987 on the speed limit question, we predicted that 55 miles an hour speed limits would result in many more motorists going faster than 70 and more motorists going faster than 75. Unfortunately, many witnesses at the same hearing said that 65 was going to mean 65 and that any motorist doing 66 or 67 would get a ticket. I think that was a very unrealistic expectation. I certainly think that what you're seeing there is what you would have expected. But the point is that speeds in 1988 were faster than in 1987 and there is an alarming upward trend.

Mr. WALKER. I see. And how many of the deaths in that upward trend were at speeds over 55 miles an hour?

Mr. O'NEILL. There is no reliable way to know that in the United States because there is no reliable way to determine precrash travel speeds.

Mr. WALKER. Okay. At least half of them had to be—are drunken driving, though, we can assume. Right?

Mr. O'NEILL. That's—it's a smaller percentage on the interstate system.

Mr. WALKER. Well, what percentage?

Mr. O'NEILL. We don't know exactly but it's not half of them. Half of the—the current statistics indicate that alcohol-impaired driving is a factor in about half of all traffic deaths, about 40 per-

cent of all occupant deaths. It would be closer, I believe, to 30 percent on the interstate system. But, yes, alcohol is an important factor in many of these deaths.

Mr. WALKER. So we have no idea whether or not that increase in deaths has anything to do with 65 or not because we don't have statistics to show that. All we have is statistics to show that you have an upward trend. But I notice down there you also have an upward trend in the rural, or in the urban interstates where the speed limit has remained at 55.

Mr. O'NEILL. Well, I, I——

Mr. WALKER. This year they had started back up on those. On your own chart.

Mr. O'NEILL. The statistics of those fatalities there indicate that in fact the changes in deaths on the urban interstates are within normal year-to-year fluctuation and there is no evidence of an upward trend, even though it may——

Mr. WALKER. Well, it shows one year going up there.

Mr. O'NEILL. One year is going up but the overall trend——

Mr. WALKER. Just one other question. What about my statistic that indicates that the numbers of miles traveled on those rural interstates in the 37 States that had raised the speed limits was significantly larger? As a matter of fact, in 1987 it was just about exactly the same figure as the fatality rate went up.

Mr. O'NEILL. Mr. Chairman—Mr. Walker, I would like to see those statistics because the available statistics we have from the Federal Highway Administration still do not break out the 1987 or the 1988 mileage figures into urban and rural.

Mr. WALKER. I'll give them to you.

Mr. O'NEILL. Do they separate urban and rural mileage?

Mr. WALKER. Yes. Vehicle miles on rural interstates increased by 5.6 percent in the 37 States that raised the limit by the end of September of 1987 and 4.8 percent in States that did not. The difference between those 2 is 16.6 percent. So, in other words, what you have is you had a 15 percent increase in fatalities, yes, but you had 16.6 percent more increase in traffic on those roads too.

Mr. O'NEILL. Not an absolute 15 or 16 percent, a relative 15 or 16 percent.

Mr. WALKER. Relative, yes.

Mr. O'NEILL. I think that's different.

Mr. WALKER. Relative 15 or 16 percent, yes.

Mr. O'NEILL. But the actual increase was an absolute increase of 15 percent, so that is somewhat different. And the fact is that we——

Mr. WALKER. Well, I'm not saying it is.

Mr. O'NEILL. When we look at the statistics, and I believe that other independent agencies and organizations will come to the same conclusions, the only thing that one can attribute the increase in deaths on the rural interstates in 1987 and 1988 is the higher speeds resulting from the higher speed limits. Alcohol-impaired driving has been consistently decreasing over the years. So in the face of declining rates of alcohol-impaired driving we are seeing dramatic increases in fatality rate.

Mr. WALKER. I would contend, that you may have increased rates of travel which also are a factor and need to be understood as a

part of that. And, second, and just one final point is, your idea of automated speed enforcement.

Mr. O'NEILL. Yes, sir.

Mr. WALKER. If you think that the American public won't like going below 55 for speed limits, just wait till you force the police state tactics on them of taking pictures of them and claiming that that picture shows them going over 65. I'll tell you something. You will have the kind of police state tactic then that the American public will absolutely rebel against, and I would hope we would never move into that kind of use of law enforcement techniques in this country.

Mr. O'NEILL. We may get a public reaction, although I must say that this is already being done in a jurisdiction in Arizona and California and the public support in those communities is overwhelmingly favorable.

Mr. WALKER. I would find that fascinating.

Mr. VALENTINE. Mr.—let me, I would ask our colleague from Pennsylvania if he would tell me privately sometime whether he would be willing to join with us in an effort to outlaw these "fuzz busters?" I mean, that doesn't have anything—didn't ask about police state business. That's just saying to people, manufacturers, that you can't continue to offer to the American people and profit from a device that the sole purpose of which is to help people violate the law. I don't ask you to say that——

Mr. WALKER. Are we going to do the same thing with CB radios, Mr. Chairman? Because CB radios on the highway are being used for exactly the same purpose.

Mr. VALENTINE. No. No.

Mr. WALKER. So are you going to outlaw those too?

Mr. VALENTINE. CB radios, you can—a truck driver can call ahead and say he's got a, bringing a pregnant in to deliver her child. He can report accidents. Of course it's not the same thing. There are no redeeming social values to this little box that people buy. And, but the American public insists on it, and most States have not had the courage to do anything about it and the Congress has not. So I think that we could, you know, we could strike a massive blow in this direction.

Mr. Glickman.

Mr. GLICKMAN. Thank you.

Mr. VALENTINE. I hope they are not manufactured in your district.

Mr. GLICKMAN. No. No. [Laughter.]

Frankly, we would like to sell more airplanes and drive less cars in my district than—so far there is not a speed limit on airplanes.

I'm a little—first of all, as you may or may not know, I take the same substantive position as Mr. Walker does on this. I come from a State which is predominantly rural in terms of its interstate highways. There is a level of comfortableness that most people have when they drive, and in my part of the country 55 miles an hour wasn't comfortable and they didn't drive it. So custom kind of dictated why we went up to 65, and I think you recognize that.

I think it is unlikely that we are going to change that without some powerful evidence that is I think more crystal clear than what you've presented.

Now, with respect to the numbers that you've provided on the total deaths on U.S. interstate highways in the 38 States that raised the speed limit, I wonder if you can break that down and indicate if those percentage numbers are replicated in all 38 States that raised their speed limits?

Mr. O'NEILL. The—we have not tried at this point a State-by-State breakdown, but it would not be a particularly useful exercise in most States because fortunately the fatality counts in individual States tend to be relatively small numbers on these rural segments. So there is considerable year-to-year variability in the fatalities. So the statistics are just not as reliable when you break it down on an individual State basis.

Mr. GLICKMAN. Okay. But, in a sense you have to break it down because law enforcement is different in every State. So I think you've just acknowledged a potential flaw in your numbers, and that is, that the State-by-State counts are so small after you all—if you go from 4 deaths to 6 deaths, that's a 33-1/3 percent increase, but you would have to extend that over a period of 4 or 5 years before you could get a good statistical analysis. Would you not agree with that?

Mr. O'NEILL. There's no question that to develop reliable statistics on fatalities on an individual State basis is going to take many more years.

Mr. GLICKMAN. Okay. Now, in addition to that, do the numbers that you show now indicate that there is any particular part of the country where these highway deaths have gone up faster than other parts of the country within the 38 States? I mean, even though you may not have State-by-State analyses, you don't have anything to tell us that Arizona is worse than New Mexico or Kansas is better than let's say Texas on this kind of thing?

Mr. O'NEILL. At this time, no, sir. No, we do not.

Mr. GLICKMAN. Okay. I really do think that you need to develop that data.

In addition, in connection with these deaths on rural interstates, do you have anything to indicate what percentage of deaths may be due to drunk driving, what percentages may be due to weather, and what percentages may be due to other factors that were either mitigating or extenuating?

Mr. O'NEILL. No, we do not. But I would like to explain something, if I could, at this point. There is often a tendency to want to attribute a single fatal crash to a single factor. Crashes are much more complicated than that. There is rarely a single factor that produces the crash. The fact that the driver is impaired by alcohol in modern terms we think of and I think most of the people in the highway safety research community think of as one contributing factor. In some cases it may be the only contributing factor. In others it may be one of a multitude of contributing factors.

We do know, for example, that speed and alcohol abuse are interrelated. It is very common to find alcohol-impaired drivers among the speeders. We also know, for example, that alcohol-impaired drivers are less likely to be wearing their seat belts. We know that speeding motorists are less likely to be wearing their seat belts. So there are no single factors, and I certainly don't want to sit here and say that speed is the only factor and the only issue we should

be concerned with when it comes to improving the safety on our highways. It is one of many factors that contribute to our fatality experience.

Mr. GLICKMAN. Well, let me say, in all fairness, I would prefer those numbers would have stayed level or gone down.

Mr. O'NEILL. So would I, sir.

Mr. GLICKMAN. So I am not (importance) to the fact that I don't want to see additional people killed regardless of my desire to see the speed limit stay at 55 miles an hour or at whatever reasonable level that States may decide to set. But I don't think that your numbers as of yet have proven anything. They're interesting but you, as well as Mr. Miller, the Acting Administrator, will testify later that there really do need to be additional years of data before we can come and develop any statistically significant pattern, although he does indicate that there is some pattern that is developing there. But I think the additional data is needed. I also think that we have to look at this problem in connection with better methods of law enforcement as well.

But, you know, look. We don't want anybody killed on the highways and we will listen to what you say and we will make sure that the appropriate law enforcement agencies are aware of them, but I don't think you ought to expect us to change the statute right away.

Mr. O'NEILL. Mr. Glickman, I'm not necessarily expecting anyone to change the statute. My political perception is that that's not a realistic expectation, and I understand the desires that have been expressed by politicians and others in rural States that 55 is an unreasonable speed. What concerns us and I think other people in the highway safety research community is that one of the results of posting rural interstates at 65 is that we are now seeing speeds that were not seen before. The cars that—speeds in excess of 80 miles an hour were essentially very, very rare speeds when we had 55 miles an hour speed limits. Even though most people were exceeding 55, it was serving as a limit to the excessive speeds that we saw on our highways. Unfortunately, speeds of 80 miles an hour are becoming less rare, they're becoming more common, and they're not widespread but we are seeing more people willing to drive at these really excessive speeds. This is a problem.

In most of my career at the Institute, I was a statistician. My professional training is a statistician. I have to say that I believe that the statistics at the present time are convincing that nationally we are seeing an increase in fatalities on rural interstates because of the 55 miles an hour speed limit.

Mr. GLICKMAN. Okay. Well, my only caveat was I don't think your statistics are long enough in terms of years, nor are they divided State by State where I think they need to be. But I do appreciate your testimony and we will continue to monitor it.

Thank you very much, Mr. Chairman.

Mr. VALENTINE. Let me thank you, Mr. Glickman. Let me say to the gentleman that perhaps this would help to clarify the situation. That this hearing was not initiated at the request of anybody else except the chairman of the subcommittee and others. I have had a special interest in this matter for sometime. I do hope that we can begin to focus attention on this problem and one particular phase

of it, which I won't repeat because I don't—I guess my position on that is well known. We certainly don't see this as a rush to judgment. We see this as a beginning of the Congress' accumulation of statistical information from experts, and indeed from others, as to what have we done or what have we not done.

So, I thank you, Mr.—we thank you, Mr. O'Neill, for your testimony and wish you well. We'll, if you have any other insights to give us in writing, shoot it on in here——

Mr. O'NEILL. Yes, sir.

Mr. VALENTINE [continuing]. And we'll read them.

Mr. ROHRABACHER. Excuse me.

Mr. VALENTINE. The next witness is Mr. Jeffrey Miller, Acting Administrator, National Highway Traffic Safety Administration, U.S. Department of Transportation.

Let me, we welcome you here, sir. And come on down, sit down, please, sir. Your prepared statements will appear in the record as you submitted them. If you could summarize, it would be helpful.

Let me say to the other members, if I have correct information—to the other witnesses and members, if I have the correct information before me, we have after this witness one, two, three, four other witnesses and we intend to keep on going through the lunch hour.

Mr. GLICKMAN. Mr. Chairman, I might just, if you would yield for a moment, it's my understanding at about 12:20 there will be the first of 3 votes and the votes will be about 12:20 or 12:25, then 10 minutes of debate, then another vote, and then 10 minutes of debate, and then another vote. So we will have 3 votes separated by 2 10-minute periods of debate.

Mr. VALENTINE. Well, that's interesting and worthwhile information. It will affect our proceedings. What I was going to say, and that puts another matter here for us to wrestle with, we have to—what time is it, two something? We have to vacate the hall by 2:15. Another show comes in here. So we either finish up or we'll postpone this or move out in the hall. So I just—if you would bear that in mind, we'll move along as fast as we can. And I would ask members to bear in mind that we need to complete, and I will bear that in mind also.

Mr. Miller. Thank you.

STATEMENT OF JEFFREY R. MILLER, ACTING ADMINISTRATOR, NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, U.S. DEPARTMENT OF TRANSPORTATION, WASHINGTON, DC

Mr. MILLER. Thank you very much, Mr. Chairman. I'm pleased to have the opportunity to appear before your subcommittee today to discuss the effects of unsafety of increased speed limits. I have with me here at the witness table Mr. William Boehly, who is director of the agency's National Center for Statistics and Analysis. He was one of the primary authors of our report to Congress on the 55 miles an hour speed limit. I will summarize just a few points from my testimony, particularly on our efforts to analyze safety impacts and also some of our programmatic efforts in the area of speed limit enforcement.

As was indicated previously, Congress did direct us to assess the impact of the increase in the speed limit on rural interstates which was permitted under legislation enacted in 1987. We were also directed to report on whether that increased limit had significantly contributed to an increase in the number or rate of crashes, injuries and deaths. In January of this year, we submitted the first of three reports required to Congress based on data from 1987, which was the first year in which increased speed limits were permitted. At this time we are evaluating our data from 1988 for our second report, which is scheduled to be submitted this September. The final report is planned for December 1990, by which time we hope to be able to present a comprehensive analysis of the effects of the increased speed limit. So our analysis today is based on our January 1989 report, which is supplemented by some preliminary analysis of 1988 data.

In our January report we noted that during 1987 there had been an increase in fatalities on rural interstates posted at 55 as well as on those posted at 65, but the increase on the roads posted at 65 was higher than those posted at—than those which remained at 55. The relative percentages there were 19 percent and 7 percent.

We also noted there were significant variations among the States in each category, both those which had and had not raised their speed limits. Faced with substantial State-by-State variation, we stressed at the time that the results of one—based on 1-year data were not significant enough to permit us to draw any long-term conclusions on the effect of increased speed limits on fatalities.

We now have fatality data, preliminary fatality data from 1988. Total fatality data for all roads in the U.S. indicated a very slight increase in fatalities, around—to just slightly over 47,000. This increase was less than the increase in miles traveled, so there was a slight decline in the total fatality rate.

When we look at rural interstates, we see that there was a relatively larger increase in fatalities than there was for the Nation as a whole. The increase in rural interstates was 13 percent in 1988 as compared to 1987, while on urban interstates the increase was 8 percent, and on all other roads the increase in fatalities was .4 of 1 percent.

Now we have not yet completed our analysis of this 1988 data. We're going to continue to give close attention to the increase in fatalities we've seen on rural interstates posted at 55 miles an hour. And, while we still need additional data, and we're going to need additional years of data to finish our analysis, the figures we have seen so far do appear to be statistically significant. There are once again substantial State-to-State variations which we must examine, but the overall pattern of the last two years suggests that an increase in actual speeds on 55 miles an hour highways may be contributing to that increase in fatalities.

It should also be noted the total increase, total number of fatalities on rural interstates, which in 1988 was about 2,800, is a small percentage of the small fatality picture in the United States. It's only about 6 percent. The fatality rate on rural interstates continues to be much better than the fatality rate on non-interstate highways, although that rate, unfortunately, has increased somewhat.

We note—we are pleased to note that round the country the fatality rate on non-interstate highways has remained virtually level for the past 2 years. Those roads do have higher fatality rates and those may be the areas where there is the greatest potential to reap safety benefits through better highway safety programs, better roads, and better vehicles.

Our goal in our traffic safety programs in research is first to give these, to present the clearest possible picture as to what is happening on our different highway systems so the States and other highway safety agencies can use this data to help them to decide, first, what their problems are and, secondly, how best to address them in the enforcement arena and in other types of programs.

If our data indicates that the—and individual State data indicates that a fatality problem on rural interstates is the most substantial problem, we would expect them to take appropriate action and we are prepared to provide whatever technical assistance we can to the States. If States see larger problems on their non-interstate highways, particularly undivided rural two-lane roads, then they may well want to concentrate more of their efforts and resources in that area.

One other program I would like to mention is a new effort on our part which responds to a continuing request from State law enforcement agencies around the country to help combat the effects of speed on highway crashes, and this relates to speed not only on interstate highways but on all roads. We have seen and we have heard substantial anecdotal reports of rising speeds, growing disregard of speed limits on all roads, and of other types of traffic laws as well. So, with the participation of some State and local police departments, we have done some public research, conducted some focus groups to test public awareness of the consequences of speeding, and the results have been somewhat—somewhat concern us.

The information we have indicates that the general public simply does not consider speeding to be a serious threat to safety. Certainly not anywhere near the level of public awareness that we've been able to achieve in the areas of drunk driving and safety belt use or child safety seat use. We think it's necessary to bring about a change in those public attitudes because we do believe speed is a factor in highway safety. That's a difficult task and it's a long-term task to change public attitudes, but we believe it has been done in other areas such as drunk driving and we believe that it can and must be done in the speeding area as well. That's going to require public education, training, public information, and also some increased enforcement efforts and follow-through in the prosecution and adjudication of those enforcements.

We've just—we're in the process of launching a new national media campaign on the subject of speed, which carries the tagline, "Speeding gets you nowhere fast." That was kicked off here in the Washington, D.C. area last week. It is a combined public service and police enforcement campaign. We plan to launch similar campaigns in some other metropolitan areas around the country later this year, and by next year we hope to have this campaign up and running in many areas around the country. We hope to achieve both greater public awareness of speed as a highway safety problem, increased police enforcement efforts, and as a result greater

compliance with all posted speeds, and, hopefully, reduction in crashes as well.

In addition to our reports to Congress that we are doing, conducting through our own research office, we have also commissioned some outside studies of speed limits and the possible effects of the 55 miles an hour speed limit. Those contracts have been awarded, most of the work has been done, and we expect those—in fact, some of the—some of those research projects have already been submitted. We hope they will contribute to our understanding of the effects on the speed limit.

Mr. Chairman, that completes my summary of the prepared statement. I'd be pleased to try to respond to any of the questions that you or your colleagues may have.

[The prepared statement of Mr. Miller follows:]

STATEMENT OF JEFFREY R. MILLER
ACTING ADMINISTRATOR
BEFORE THE
SUBCOMMITTEE ON TRANSPORTATION, AVIATION AND MATERIALS
OF THE
HOUSE COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY
REGARDING THE EFFECTS OF THE 65 MPH SPEED LIMIT

July 26, 1989

Mr. Chairman and Members of the Subcommittee:

I am pleased to appear before you today to discuss the effects on safety of increased speed limits. With me at the witness table is William Boehly, the director of our National Center for Statistics and Analysis. I will begin with a brief review of the changes in the speed limit law.

From 1974 until 1987 a uniform national speed limit of 55 mph was in effect for all highways. Although a landmark study by the National Academy of Sciences in 1984 had shown that there was no consensus for continuing the 55 mph limit on rural Interstate highways, the uniform limit was continued until 1987, when the Surface Transportation and Uniform Relocation Assistance Act (P.L. 100-17) permitted the States to raise the rural Interstate limit to 65 mph. The Department of Transportation Appropriations Act for fiscal year 1988 subsequently permitted 65 mph on other Interstate-quality rural highways, as a demonstration program. By the end of 1987, thirty-eight States had raised the speed limit on most of their rural Interstates. During 1988, two additional States -- Georgia and Virginia -- raised their Interstate limit to 65 mph, bringing the total to 40 States. Additionally, 16 States have posted 65 mph on about 2200 miles of roadway meeting the demonstration program criteria.

Congress has directed us to assess the impact of increasing the speed

limit and to report on whether the increased limit has significantly contributed to an increase in the number or rate of crashes, injuries, and deaths. In January 1989, we submitted the first of three reports required by Congress, using data from 1987, the first year of increased speed limits. At this time, we are evaluating data from 1988 for the second report, which is scheduled for September 1989. The final report is planned for December 1990, by which time we hope to be able to present a comprehensive analysis of the effects of increased speed limits. My statement today is based in part on our January 1989 report, supplemented by our preliminary analysis of 1988 data.

In our January report, we noted that during 1987 there had been an increase in fatalities on rural Interstates posted at 55 mph as well as on those posted at 65 mph, but that the increase on 55 mph roads was lower (7 percent) than that on the higher speed roads (18 percent). We also noted that there were significant variations among the States in each category: of the 38 States with higher speeds, 27 had shown an increase in fatalities on the affected highways, but 11 had either stayed the same or shown a decrease. Similarly, of the States that kept the 55 mph limit, 6 remained the same or showed an increase in 1987, while 4 showed a decrease in fatalities. Faced with this variation, we stressed that the results of one year were not enough to allow us to draw any conclusions as to the long term effect of the increased speed limit on fatalities.

We now have complete fatality data for 1988. Overall, fatalities increased slightly over 1987, from 46,390 to 47,079, but this increase of 1.5 percent was less than the estimated 4 percent increase in miles travelled. Despite the slight increase, we are encouraged that the rate of fatalities for all types of highways combined has continued to decline. However, a breakdown of fatalities according to road type shows that fatalities on the rural Interstates in 1988 increased 13 percent over 1987, while urban Interstate

fatalities increased 8 percent and fatalities on all other roads showed an increase of four tenths of one percent.

We have by no means completed our analysis of the 1988 data, and we will continue to give close attention to the increase in fatalities observed on 65 mph Interstates. While we still believe, as we stated in our January report, that the long-term projections must await the review of additional years of data, the increase in fatalities on the 65 mph Interstates, compared to the fatalities on the same highways before the speed limit was increased, appears to be statistically significant. There are State-to-State variances that we must still examine, but the overall pattern of the last two years suggests that an increase in actual speeds on the 65 mph highways may be contributing to the increase in fatalities.

The total fatalities on rural Interstates -- 2,836 -- represent only 6 percent of the fatalities on all roads, and the fatality rate, that is, fatalities per hundred million miles travelled, is still far better than the rate on non-Interstate highways. We also note that the States have held fatalities on non-Interstate highways virtually level for the past two years. The non-Interstate highways may be the roads on which the greatest safety benefits can be realized, both through better highway safety programs and better roads.

Our goal in reviewing the fatality data is to present the clearest possible picture of what is happening on the different highway systems. We anticipate that the States will continue to use this data to help them decide where their problems are and what enforcement resources they need. If they conclude that an increase in fatalities on the rural Interstates warrants a more aggressive enforcement effort on those highways, we would expect them to take appropriate action and we would provide them with technical assistance. If, on the other hand, they see rural two-lane or four-lane undivided highways

as being their larger problem from a safety standpoint, we believe that is where they should concentrate their resources.

As an indication of the deep concern of State law enforcement and highway safety officials about the effects of speed on crashes, these officials asked us some time ago to join them in an effort to combat speeding. With their participation we have studied the motivations for speeding, held focus groups, and tested the public's awareness of the consequences of speeding. In this process we have found that the public does not consider speeding to be a serious threat to safety -- an attitude that contrasts strongly with the public concern about drunk driving. Bringing about a change in the public's attitude is going to be difficult but we believe we can do it through some of the same approaches used in addressing the drunk driving problem: education, training, and increased enforcement and adjudication. As a result of our cooperative efforts with the States, we have just helped launch a new national media campaign called "Speeding Gets You Nowhere. Fast." In addition to this campaign, we have developed a speed plan to help the States and communities increase their efforts to achieve better compliance with all posted speed limits. This entails conducting workshops, providing technical assistance on effective enforcement techniques and providing information about innovative technology. Through these cooperative efforts we hope to help the States achieve greater compliance with all posted speeds and a reduction in crashes.

To aid in our review of the effects of the 65 mph speed limit, we have awarded a number of research grants, most of which are scheduled to be completed in time for our September report to Congress. These include two studies of individual States, which assess the changes in travel, speed, and crashes associated with the speed limit increase; two studies of national accident data, which assess the national effects of the speed limit increase;

and a study of the cost and benefit effects of the increased speed limit. We believe that these studies will significantly increase our understanding of the dynamics of speed limit increases and their affect on safety.

You have asked for our comment on the study of the effects of the 65 mph speed limit completed by the Insurance Institute for Highway Safety last fall. The principal conclusion of the study, which was based in large part on NHTSA data, was that the 65 mph limit is associated with an increase of approximately 15 percent in rural Interstate fatalities in 1987. We have no reason to take issue with IIHS's conclusion, but we believe it is still premature to arrive at any definitive conclusion concerning the safety effects of the increase in the speed limit.

Mr. Chairman, this concludes my statement. I would be glad to answer any questions you may have.

Mr. VALENTINE. Do you think that this is a reasonably fair statement, to say that there are obviously some benefits to be gained in the minds of some people, indeed many people, and perhaps some economic benefits would accrue as a result of trucks being able to move within a legal speed limit with greater dispatch around the country? And, of course, one can understand the situation in Kansas or in Texas when you can—you see road way ahead of you all the way into next week, apparently. Aren't we involved here in a question of determining what is the price of that? Whether or not the increase in fuel consumption and the increase in misery, if that is too high a price to pay? Would you say that's a reasonably fair statement?

Mr. MILLER. Well, that's certainly one aspect of the issue, Mr. Chairman. There are—as was indicated previously, the question of setting speed limits is in large part a political decision made in this instance first by Congress and then by States. Different States have elected different speed limits on their rural interstates and on other roads. And even in those States that have elected for the 55 miles an hour speed limit, some have chosen not to apply that to all eligible portions of the roadway, North Carolina being one prominent example of that.

So there are many factors that come to play in the decisions that are ultimately made by the people who set and enforce speed limits in terms of how, where the limits should be and how many resources to devote to those tasks.

Mr. VALENTINE. Do these little radar detection devices, do they figure in any way in your police enforcement campaign? Are there any words of discouragement, or otherwise, can you give us your department or the administration's attitude towards these little nuisances?

Mr. MILLER. Well, the issue of radar detectors is one that has, our agency has looked at for sometime. As was indicated previously, there are at present only two States plus the District which ban the use of radar detectors. There does not seem to have developed a substantial consensus either in Congress or in State legislatures for further activity in this area.

We are not aware of a contribution by radar detectors. For improved safety, it is difficult to pinpoint just to what extent they may impair safety. Our, we believe one promising approach and one avenue that we are pursuing right now is to assist police with new technologies and enforcement techniques, some of which do not involve radar or which involve special types of radar which may be more, which may be—which are less likely to be detected by vehicles with radar detectors.

It is primarily a State decision. Certainly in those States such as Virginia and here in the District that have elected to ban the use of radar detectors, you know, we—if that's their decision, we certainly would not quarrel with it.

Mr. VALENTINE. But, Mr. Miller, it's a policy of your organization. You've launched a campaign, you said, a public relations campaign, a police enforcement campaign. Aren't you really interested in trying to take off of the market a device which has no other purpose except to help people violate the law, to thwart the police? What do these police officers tell you about that?

Thank you, Mr. Miller.

Mr. MILLER. Well, our campaign is devoted to changing public attitudes, and we would hope that as a result of—and we recognize it is a long-term task certainly. One wave of public service ads is not going to accomplish that goal. We would hope that after some sustained public information efforts combined with police enforcement that we would, we would create an attitude, public attitude where there is a greater desire to voluntarily comply with posted speed limits and to try to defeat or to reduce any public desire to exceed posted speed limits.

Mr. VALENTINE. Do you think that's a realistic approach?

Mr. MILLER. Well, we recognize it's a difficult task, but we think it's really something that has to be done. It is extremely difficult and probably unfair to expect the police by themselves to be able to cure any highway traffic safety problem whether it is speeding or drunk driving or safety belt use or child safety seat use. There are over 160 million licensed drivers in the U.S. There will never be enough police personnel to regulate and inspect all of their behaviors. We need large amounts of voluntary compliance with all our traffic safety laws, and we want to make our very best effort to try to achieve that in the speeding area.

Mr. VALENTINE. Do you know whether or not the administration has a position on these devices, whether they would oppose an effort by Congress to outlaw them?

Mr. MILLER. I'm not aware of a position at this present time, Mr. Chairman.

Mr. VALENTINE. Are you able to tell us whether your department would oppose such an effort?

Mr. MILLER. Well, our department is part of the add, Mr. Chairman. We would certainly act as part of the administration.

Mr. VALENTINE. I suppose so. [Laughter.]

Mr. Walker.

Mr. WALKER. Thank you, Mr. Chairman.

What is the appropriate speed limit for the Nation?

Mr. MILLER. Mr. Walker, I'm not sure there is a single speed limit appropriate for all parts of the Nation or for all roadways.

Mr. WALKER. Sixty-five may be entirely appropriate for some States?

Mr. MILLER. It may well be, Mr. Chairman.

Mr. WALKER. And 70 might even be appropriate for some States?

Mr. MILLER. Well, we're not eager to see the speed limits increased further, but we do recognize there is substantial variation in traffic and geographical conditions and public attitudes around the country.

Mr. WALKER. So, but in other words, you don't have any evidence that in some States there may not be reasons for having a variation above, say, 55 miles an hour?

Mr. MILLER. That's correct, Mr. Chairman. And we have also—the fatality statistics indicate substantial State-to-State variation in fatalities. Now that's attributable to two—that may be the result of some random statistical fluctuation because of small numbers as well as actual safety——

Mr. WALKER. And it may also be that within States there are certain places where higher speeds are more acceptable than other places. Isn't that true?

Mr. MILLER. I would say that's quite, that's not only possible but indeed that's quite probable, both by type of roadway and by, in larger States such as California where there are substantial geographical changes and traffic—and by, according to traffic volume.

Mr. WALKER. Define for me precisely what you think the problem with speed is?

Mr. MILLER. The problem of speed is one of many factors that can affect both the risks of crash involvement and the results of crash involvement. There are many other factors as well. The skills of the driver. The driving environment. The roadway. The numbers of other, of intersections. The possibility of entering vehicles, pedestrians, and so forth. The higher the speeds, the less—the larger a buffer a driver needs to compensate for potential error. There's a reduced margin for error. That's why we see higher speed limits on limited access roads and lower speed limits on non-limited access roads and, indeed, in residential areas.

Mr. WALKER. Precisely. And so, but what I think you have just indicated to me is that the skill of the driver also has a factor. In other words, there are some situations where the speed that is being traveled is perfectly appropriate because both the skill of the driver and the roadway are such that that speed can certainly be maintained. Is that right?

Mr. MILLER. Yes, that's correct.

Mr. WALKER. We have people who drive high performance cars on closed tracks at very high speeds and do it very safely; isn't that right?

Mr. MILLER. That is correct, although we would certainly not want to suggest that those types of speeds are appropriate for our public highways.

Mr. WALKER. No, I understand. I understand, but I think we need to define this fairly closely. Because I mean speed in and of itself is a factor. If everyone had the same skills as those kinds of drivers, the fact is that speed would be less of a problem relatively; isn't that right?

Mr. MILLER. That is probably correct, Mr. Chairman.

Mr. WALKER. And, if highways were designed——

Mr. MILLER. Congressman. Apologies, Mr. Chairman. Congressman Walker.

Mr. WALKER. If highways were designed in the same fashion as some of these closed courses are, speed would also be less of a factor. Isn't that correct?

Mr. MILLER. Well, indeed that is to some extent already reflected in the higher speed limits on limited access highways as opposed to non-limited access highways.

Mr. WALKER. Precisely. And if in fact you had cars designed to withstand crashes at increased speed, that would also be a factor. Isn't that true?

Mr. MILLER. Certainly the design of vehicles is one of the factors that determines ultimate safety of vehicles.

Mr. WALKER. Sure. I witnessed a couple of drivers on TV this weekend go into a wall at 175 miles an hour and so on, and took

out a whole section of the wall and so on, car flipped over about 10 times, landed on its top and so on, both drivers walked out and so on, and walked across the track. The fact is that they destroyed the equipment pretty badly but neither of them was, well, injured. They were belted in, you know. They did a lot of things.

The only thing I'm——

Mr. MILLER. I might add they carry with them extra safety equipment.

Mr. WALKER. Oh sure.

Mr. MILLER. Rather than the 3 point lap/shoulder belts that we have in cars, they have generally 5 or 6 point harnesses. They have helmets. They have protected netting in the vehicles.

Mr. WALKER. I'm well familiar with it. I drive race cars and I know that you belt yourself in and so on, and you put on a helmet, and you do a lot of things to make certain that it is, in fact, a safe environment. But the fact is that what I'm saying to you is that there are a number of factors that also figure into this. That simply to tell the public that speed is the only thing is a wee bit misleading, isn't it?

Mr. MILLER. Well, we have not tried to suggest that speed is the only factor, but we do believe it's an important factor and it is one that has perhaps not been sufficiently emphasized in recent years. We would not want to elevate speed over some of the other important highway safety issues in this country such as drunk driving and safety belt use, but we do believe it's an important factor that ought to be taken into account.

Mr. WALKER. Would you agree with me——

Mr. MILLER. And on a public roadway, I think we have to recognize that there is a substantial variance in driver skills and the types of vehicles you see on the road. And, therefore, even if some drivers are highly skilled, we still need to have a speed limit at which all drivers——

Mr. WALKER. Very good. And that brings me——

Mr. MILLER [continuing]. Can achieve reasonable safety.

Mr. WALKER. That brings me to my final point. When is your agency going to get tough on what States require in order to get a driver's license? You have yet to ever say, in my knowledge, that drivers in this country are totally underqualified to be handling even 55 miles an hour speeds. Very few drivers in this country have ever had to experience a skid before that time that the skid is in an emergency situation. Every driver in this country ought to have at least some training on how to handle a skid before they reach that situation in an emergency.

And I would suggest to you that one of the things that probably ought to come out of this in the future, in addition to dealing with all these other factors, is we need to get tough with the kinds of standards that we require of people in order to go out on the road and do 55 miles an hour. Because the fact is that most of what you were talking about here is a problem not only at 65 miles an hour or at 75 miles an hour, it's a problem at 55 miles an hour too. And there are most drivers on the road today who are not capable of handling an emergency at 55 miles an hour, and we don't require anything in our training to get them ready for that. And I would hope that your agency one of these days is going to face up to that,

and face up to telling the American people that in many cases they are underqualified to be behind the wheel.

Mr. MILLER. We have been looking at ways to assist the State driver licensing agencies. We will certainly continue to look at that, and at the same time continue our campaigns in some of the other important highway safety areas such as speeding, drunk driving, and safety belt use.

Mr. WALKER. Thank you, Mr. Chairman.

Mr. VALENTINE. Perhaps the gentleman from Pennsylvania would favor us by initiating that program and first telling his constituents they are not capable of driving.

Mr. Rohrabacher.

Mr. WALKER. I say that all the time, Mr. Chairman. I have no problem with that whatsoever.

Mr. VALENTINE. If you could let us have that material, we might want to share it with these gentlemen and other members. They might want to write a letter too, telling their constituents they haven't got enough sense to drive.

Mr. WALKER. Mr. Chairman, I might say to you that getting drivers properly qualified—I used to teach driver ed.

Mr. VALENTINE. You are a man of many talents.

Mr. WALKER. It was one of the things I did to work my way through college and so on. And I will say that I am appalled by some of the people who passed the driving test as a result of my having to take them out to the—they were paying. I took them out to the police station. I recommended to the police on a couple of occasions that they not pass a person and that person was passed because they happened to find a nice tester that day. Those people, I often think to myself about a couple of those drivers who are on the road with me, and it is a very scary proposition.

Mr. VALENTINE. Mr. Rohrabacher.

Mr. ROHRABACHER. This is just a short statement, and perhaps your reaction, and it somewhat backs up what we've just heard. Sometimes it disturbs me that when people are coming, approaching a problem like the one we're talking about in reducing fatalities on our highways and our roadways across America, that instead of trying to get at people who are obviously doing something wrong or people who are risking the lives of others that instead we try to focus our efforts in government on trying to regulate the behavior of those people who are very capable and those people who are doing nothing wrong.

When you consider the number of fatalities on the highways that are actually as a result of drunk drivers who have been arrested before for drunk driving, for example, and people who have been arrested before on charges of driving in a way that endangers others, and you find that these people, or many of these people are still on the roads and still risking, threatening the lives of other citizens.

I take all of these other measures, these bureaucratic plans that are going to regulate the behavior of everybody else in a way that's going to protect us with a grain of salt. I'm just a little skeptical about these and perhaps you could give me your reaction to my bit of skepticism.

Mr. MILLER. Mr. Rohrabacher, we're not—I don't believe we are contemplating a new realm of traffic laws and regulations here. What we're trying to bring about is greater respect for existing traffic laws and a greater appreciation and public understanding of the safety risks from this aspect of driving behavior. There are many aspects of driving behaviors that can present safety problems. Drunken driving is one. Occupant protection is another. Speeding is a third. Reckless driving is a fourth. And there are certainly others as well.

We have seen, we've made great progress in this country—it's certainly not enough, but we have made progress during the 1980s in the areas of drunk driving and safety belt use, primarily because we've achieved a greater public awareness. I think that is at least as important as the tougher laws and the enforcement that we have had in those areas. We would like to try to achieve that same type of improvement in the area of speed.

I know, I had discussions with the Commissioner of the California Highway Patrol. I know they were long concerned that the 55 miles an hour speed limit was difficult to enforce in California, but they are committed to an aggressive program of enforcing the speed limit, 55 miles an hour speed limit on the rural interstates in California. We hope that this provides an opportunity now that some of—particularly in some of the more rural and Western States that a lot of the public disaffection with speed limits has been dissipated. That we can now return to and bring back some respect for speed limits and other types of traffic laws that had been lost in the past.

But we really want to try to change people's attitudes and way of thinking. That's a difficult thing to do but there are so many drivers, we think that's really in the long range, in the long term that's the only way to bring about changes here. The problem of highway safety are enormous. We do a very good job, I think, overall in this country compared to other countries. But the total cost of highway crashes is just staggering whether you look at fatalities or injuries or economic cost.

Mr. ROHRABACHER. It just was amazing to me that when government went about trying to decrease the number of fatalities on highways it went about trying to regulate the behavior of ordinary citizens, for example, bringing down the speed limit from 65 to 55, and it wasn't until the people of the country themselves rose in a mighty anger in the form of Mothers Against Drunk Drivers that the government actually was able to act on that very serious problem, which I am not sure in terms of the relationship the number of fatalities that they caused, but my gut reaction is probably that the number of fatalities that we're talking about was substantial as compared to the number of lives saved by reducing that speed limit.

It's just my, just an observation and I appreciate your reaction to it.

Mr. MILLER. Thank you, Congressman.

Mr. VALENTINE. Thank you, Mr. Rohrabacher.

One final question. Mr. Miller, do you have an opinion as to how long we should wait, how much time should elapse before we should be able to get a pretty fair reading of the effect of the in-

crease in the speed limit from 55 to 65 miles an hour on the consumption of fuel and on trauma?

Mr. MILLER. When Congress authorized the higher speed limits, we were asked to do research over a 3-year period. That is focusing on the safety aspects. I believe on the fuel consumption aspects there has already been substantial research done in that area by the National Academy of Sciences in a report that it produced in 1984. In terms of all trauma, which includes fatalities and injuries, I think we're going to need another year or two worth of data before we can come up with definitive conclusions, not only as to general trends but also as to some of the specifics: Is the problem nationwide? Is it isolated to some States? Is it some driver groups? Is it some time of day or time of year?

But I'd also like to emphasize that we don't intend to simply sit back and wait until then to launch our efforts in the speed area. We want, we believe we're starting here and now.

Mr. VALENTINE. Thank you very much, Mr. Miller. We will take the liberty of informing the President that you say you're a part of the administration.

Thank you for coming. It's very helpful.

Mr. MILLER. Thank you, Mr. Chairman.

Mr. VALENTINE. Panel number 2: Mr. Charles Hurley, Vice President of Public Policy, the National Safety Council—I had written Research Council—Washington, D.C.; Mr. David Snyder, Counsel, American Insurance Association, Washington, D.C.; Mr. Gerald Donaldson, Ph.D.—Dr. Gerald Donaldson, Director of the Highway Project, Center for Auto Safety, of Washington; and Mr. Norman Schneider, Executive Deputy Commissioner, New York State Department of Motor Vehicles, Albany.

Your statements, gentlemen, will appear in the record as you have presented them to us, and we would appreciate it if you would summarize. Welcome. We're glad to have you.

Mr. Hurley.

STATEMENTS OF CHARLES A. HURLEY, VICE PRESIDENT FOR PUBLIC POLICY, NATIONAL SAFETY COUNCIL, WASHINGTON, DC; DAVID F. SNYDER, COUNSEL, AMERICAN INSURANCE ASSOCIATION, WASHINGTON, DC; GERALD A. DONALDSON, PH.D., DIRECTOR, THE HIGHWAY PROJECT, CENTER FOR AUTO SAFETY, WASHINGTON, DC; NORMAN R. SCHNEIDER, EXECUTIVE DEPUTY COMMISSIONER, NEW YORK STATE DEPARTMENT OF MOTOR VEHICLES, ALBANY, NY

Mr. HURLEY. Yes, Mr. Chairman. I'm Chuck Hurley, Vice President, Public Policy, of the National Safety Council. Delighted to be here today. I would summarize my statement and add a few comments.

We'd very much like to commend the committee for holding this hearing. There's almost been a conspiracy of silence, if you will, on the effect of increased speeds in highway safety, and we think that it is a major step forward for the hearing to be held. We'd fully agree that Mr. Walker's witnesses should be heard because I think a lot of their statements could be put to rest.

I also would like to commend the statement of the Insurance Institute, which I think was exceptionally well done, and it should be noted that the charts indicating increased fatalities on rural interstates have occurred at a time of unprecedented intervention in the areas of drunk driving, safety belt laws, child restraint laws, soon to be airbags.

And also commend NHTSA. I believe this is the first testimony of straight talk we've heard from the agency in some time. We are very optimistic that under Secretary Skinner and Administrator-designate Curry that the data will speak for itself and that the policies will be balanced as it relates to speed's role in highway safety.

In addition, Mr. Chairman, we'd very much like to commend you for your position on radar detectors. The National Safety Council has for some time reported a ban on radar detectors. We would encourage you to introduce such legislation. We'd be pleased to work with you for its passage.

But we hope fundamentally that this hearing ends the fantasy that speeds can be risked with—be raised without increased risk on the highway. We wish very much that that were true. It would be wonderful it if were. Unfortunately, the data is clear. We believe—and we've been looking at data like this for about 75 years. We believe that the data that has been presented this morning is clear and convincing. We also understand it is unlikely and it would be a very difficult challenge to return to 55, but it is essential that speed be treated as a primary risk factor along with drunk driving, along with occupant protection, crashworthy cars, well-designed roads. It is a primary risk factor and we are pleased that it is achieving that attention today.

I would focus, if you would, for a minute on the primary frustration people like myself have who have been quite active, obviously, in the speed area. I chaired the 55 coalition that worked with Chairman Howard. Unfortunately, unsuccessfully. Very proud of that. We also worked quite actively in the other areas of highway safety, in drunk driving and child passenger safety and belt laws and the rest.

One of our primary frustrations is to see a lot of these hard-won gains being given up to higher speeds. We didn't work that hard for those gains to see these gains disappear with higher speeds, and we are delighted that the data is being given a fair hearing as it is today. Again, I would hope that Mr. Walker's witnesses would challenge whatever they can. I mean, it really is on the basis of best data that we will make progress.

In addition, Mr. Chairman, as my statement indicates, we do focus on four areas. Again, the data we think should be spoken about clearly and honestly, as I think it has been today. We would like to see a ban on radar detectors in all States.

We are very concerned about the issue of responsibility advertising. I might just point out an ad recently run by BMW which had a headline, "Be one of the fastest 10 families in America," talked about the design speed of their 4-door sedan to be 150 miles an hour, and a tagline going out of the ad was, "Think of it as a rocket for the nuclear family." We find that kind of ad offensive,

and I think it encourages the kind of irresponsible behavior that Mr. Walker has mentioned.

And again, on beefing up enforcement, it would be very unfair to blame the cops about rising speeds. We've asked them to do a great deal in recent years in terms of enforcing drunk driving laws and belt laws and child restraint laws and the rest, and they have made some very heroic efforts to do so. They really got left holding the bag on the speed limit. It became politically untenable. In fact, the policy of the previous administration was almost a hear no evil, see no evil. The word "speed" never appeared in any program, in any press release, in any testimony by the administration, and we are delighted that that has changed.

We believe that it really is time to support the law enforcement community and to provide them with additional tools.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Hurley follows:]

TESTIMONY
on
Results of Raising the National Maximum Speed Limit
Before the
Committee on Science, Space, and Technology
U.S. House of Representatives

Presented by
Charles A. Hurley, Vice President, Public Policy
National Safety Council
Wednesday, July 26, 1989

Mr. Chairman and members of the committee, I am Charles A. Hurley, Vice President, Public Policy, of the National Safety Council. The Council is a private, not-for-profit, public service organization chartered by the Congress to promote greater safety and health for the American people.

The Council is involved in public policy aspects of a wide range of highway and other safety issues, including the effects excessive speeding. The focus of my testimony today will be on the status in our society of excessive speed as a primary risk factor, and the problems we face on our highways as a result of a national amnesia on this issue.

It is not news that excessive speeding in a motor vehicle is both dangerous and detrimental to the safety picture. Clear, hard data already in shows us that raising the national maximum speed limit has resulted in additional lost lives and serious injuries on the rural interstate highways. Another negative result is the fact that people are driving too fast everywhere, off the interstate system as well, and we have lost our grip on what may be the most

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important highway safety issue in the latter part of this century.

For the last eight or nine years, the message out of Washington has been "drink and drive, and you're a social disgrace.....but it's perfectly OK to speed." Government ads tell us that we are dummies if we fail to buckle up, at the same time the public is barraged with advertisements bragging to young and old alike that they can go from 0 to 60 mph is seven seconds. Leaving speed as a primary risk factor off the list translates into "speed doesn't matter." We are paying a heavy price in lives and injuries for this irresponsibility.

How can we win back the public's attention?

o Speak clearly and honestly about the data. 1988 reports on the effect of raising the limit in 1987 were troublesome, showing a significant difference in fatalities resulting on interstates that boosted the speed limit to 65 mph, when compared to those same roads that did not. Indications from additional data from the Insurance Institute for Highway Safety show an even more disturbing upward trend, with fatality rates increasing 30% or more (at the same time 55mph rural interstates leveled off).

o Ban radar detectors in all states. My organization has had strong policy in favor of prohibiting radar detectors in all states for several years. We know that they are used for one purpose only, to avoid speeding tickets, and we believe people who use the devices wish to drive at their own desired speeds, not those that society has determined are safe. Only two states and

the District of Columbia ban their use, despite the fact that copious research verifies their clear negative effect on traffic behavior and speed enforcement. Only when the public fully realizes the pervasiveness of radar detectors and fully understands that they are designed solely to subvert law enforcement, will society be rid of them. New technology will help, and costs of liability will help limit their use. But such measures must be supported by clear, educational messages from the nation's highway safety leaders in both Washington, D.C., and in state capitals.

o Promote responsible advertising. The Council's Board of Directors adopted policy last fall that suggests motor vehicle manufacturers and others to "find means to encourage advertising that promotes a positive safety message by not promoting driving at excessive speed or other high risk behavior." We are increasingly concerned that ads for high performance, high speed cars, aimed particularly at young people, are becoming more the competitive norm than the exception. We are in hopes that a voluntary agreement among all car manufacturers to eliminate such blatant, negative advertising can be developed. Unchecked, it will continue to teach the public that "speed doesn't matter" -- indeed, excessive speeding is desirable behavior.

o Beef up police enforcement. Photo radar, about which you have heard earlier, and other enhanced enforcement technology, are positive steps in getting the speed genie back in the bottle. But it is difficult, at best, for the police enforcement community to enforce adequately an unpopular law. Only when the truth is told and circulated about data gathered in the laboratory of the rural

interstate highways -- that speed kills -- will we break out of the vicious circle in which the public perceives it is OK to speed, which translates into a kind of lax environment within which the police officer must enforce the law. A weak environment of public support for strict enforcement results, and compliance with the law erodes.

Mr. VALENTINE. Thank you very much.
Mr. Snyder.

Mr. SNYDER. Mr. Chairman and members of the subcommittee staff, ladies and gentlemen: Thank you for holding this hearing today and your other efforts on highway safety.

Auto insurance is a pocketbook issue for virtually every American, and in some areas a matter of media interest, public debate and State legislative attention. The insured losses for which 83 percent of automobile insurance premiums go are skyrocketing, up 50 percent the last 4 years. This is due largely to an increase in the severity or cost of claims for injury to people and damage to property, principally motor vehicles, and an increase in the rate of bodily injury liability claims.

Increases in health care, lawsuit, and auto repair costs clearly contribute to rising insured losses. But at the present time the medical, legal and repair systems are largely State regulated, if at all. On the other hand, many of the means to prevent or lessen injuries in the first place are under Federal supervision, such as motor vehicle safety standards and safety research, while some are subject to Federal incentives, such as speed limits and law enforcement.

The private automobile insurance system compared to other major financial institutions, particularly some financial institutions, is both self-contained and sound, but it is under severe stress because losses are rising, profits are small or non-existent, and confiscatory rate rollback proposals are popular in some places. To help contain rapidly increasing losses, which constitute the bulk of automobile insurance premiums, we urge the Congress to continue on the road of highway safety which it has paved in prior years.

Because automobile accident and related losses and expenses are escalating so rapidly causing auto insurance premiums to rise as well, we view with alarm research results showing a major increase in fatalities on rural interstate highways with high speed limits. This increase in speeds and resulting fatalities may be contributing to the increase in injury and damage claim severity which is at the route cause of automobile insurance problems in this country. For this reason we respectfully urge that either speeds be rolled back to 55 miles per hour, that the Congress help assure that the current speeds are better enforced, or both. And we strongly support the suggestion of the chairman, particularly with respect to commercial motor vehicles like large trucks, that radar detectors be banned.

We recognize, however, that increased speeds are very popular. If speeds cannot be reduced, it is critical that vehicles be made safer and more damage resistant. In this connection, we underscore particularly the comments of Congressman Walker. You will receive strong support for safer and more crash-resistant vehicles from virtually every major consumer group and insurers as indicated by the Consumer Health and Safety Agenda. That proposal for action recommends that all vehicles be able to withstand 5 mile-per-hour collisions without damage, side impact protection be improved, and popular passenger vehicles such as vans, mini-vans and light trucks, which account for one-third of the new vehicles sold in this country, pass the standards applying to passenger cars.

There is legislation in the Senate which embodies these recommendations and we call upon the House to approve this or similar legislation as soon as possible, particularly in light of increased speeds.

While we must immediately apply existing knowledge to the design of vehicles, there is also an urgent need to expand current knowledge through research on occupant protection and safer roadways. We view with great concern the fact that less and less highway research has been funded in recent years, as inflation and other budgetary demands have reduced the actual amounts available for highway research.

In conclusion, safety standards and new research have both been stalled in recent years and we urge the Congress to break this pattern once and for all by taking those steps necessary to assure safer, more crash resistant cars, and to assure expansion of motor vehicle and highway research efforts. We urge the Congress to act now to reduce losses so that we can pass on the savings through the lower automobile insurance rates which the public is demanding. This is sound national economic and sound national public policy.

Thank you.

[The prepared statement of Mr. Snyder follows:]

STATEMENT OF THE AMERICAN INSURANCE ASSOCIATION

HIGHWAY SAFETY AND SPEED LIMITS
WEDNESDAY, JULY 26, 1989

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American Insurance Association

The American Insurance Association is a national trade organization of casualty insurers.

PROFILE

The American Insurance Association is a full-service trade organization of casualty insurance companies. In its present form, the association combines three earlier organizations. One of those, the former National Board of Fire Underwriters, was organized in 1866, making it one of the oldest trade associations in the nation.

The various departments provide members with up-to-date intelligence on legislative, regulatory, judicial and technical developments relating to our industry. The AIA also maintains liaison with insurance regulators, federal and state lawmakers, other state and federal government officials, insurance and non-insurance industry groups and media—supplying information and assistance on issues of mutual concern.

A countrywide system of regional offices and local legislative counsel ensures prompt and rigorous attention to casualty insurance matters. At the same time, technical specialists from disciplines as diverse as law, economics and engineering educate members and outside publics on developments that may affect the industry and its services to the insurance-buying public.

STATEMENT OF THE
AMERICAN INSURANCE ASSOCIATION
ON
HIGHWAY SAFETY AND SPEED LIMITS

Mr. Chairman and Members of the Subcommittee:

Thank you for holding this hearing on the critical health, safety and economic issues of highway safety in general and speed limits in particular. On behalf of the American Insurance Association, which represents 203 property and casualty insurers, in business to absorb individual and commercial losses through insurance, I am honored to have the opportunity to testify on these important matters.

We are mindful of the fact that in some parts of the country, although not all, automobile insurance is a major public issue. It is a pocketbook issue for virtually every American, a focus of widespread media coverage, and a concern for public officials. While most of the debate has focused on the price of automobile insurance, too little attention has been paid to the real core of the issue: the accidents, deaths, injuries and property damage that could have been prevented in the first place. In general, the Congress can be rightly proud of its efforts on the subject of highway safety.

We are deeply concerned and shocked, however, by recent research results indicating that the increase in speeds on rural interstate highways has led to a greater increase in fatalities on those highways, than found in earlier reports. We therefore urge the Congress to study this issue very carefully, and commend you for holding this timely hearing.

If the Congress ultimately determines that it can not address the increasing highway accident toll by reducing speed limits, we urge expedited enactment of legislation to provide for safer, more crash resistant cars, antilock brakes for big trucks, increased funding for highway research and intensive oversight of the National Highway Traffic Safety Administration, the agency which Congress created to look after motor vehicle safety.

The Severity Of Highway Accidents Is Increasing At An Alarming Rate

Highway fatalities are on the rise again, with 47,093 fatalities occurring in 1988, an increase over the 46,390 killed in 1987. During the past five years, 227,652 people were killed on our highways. At current rates, this is an average of 129 highway deaths each day, more than the toll of last week's tragic airplane disaster in Iowa. These fatalities are accompanied by millions of serious, often disabling injuries, millions of lesser injuries, and billions of dollars in property damage. The economic losses caused by these accidents are paid by individuals, families, employers and society through increased taxes and increasing automobile insurance premiums.

Insurers paid $58,067,000,000 in private passenger automobile insurance claims and related expenses, for the year ending the first quarter of 1989. This is an increase of 9.5% over the prior year and a 51% increase over the past four years. The increase in losses has been particularly severe for liability insurance, reflecting skyrocketing health care and lawsuit related expenses. These accounted for $38,153,000,000 in claims and related expenses for last year, which was a 69.9% increase over the past four years. Property damage losses and related expenses were also increasing, but at a slightly less impressive rate, until last year's 10.1% increase. See Exhibit A.

Other data strongly suggest that the increase in auto insurance losses results not from any substantial increase in the

frequency of accidents, but rather from a significant increase in the severity of each loss, and an increase in the numbers of bodily injury liability claims. While the frequency of bodily injury liability claims increased country-wide 15.7% from 1983 to 1988, the cost, or the severity, of each claim increased 48% yielding a 71.3% overall increase in bodily injury liability loss costs. These costs reflect increased medical care and lawsuit costs. During this same period of time, the frequency of property damage liability claims actually decreased. The severity of each claim increased a substantial 53.8%, yielding an impressive but much lower overall loss increase of 46.7% for property damage liability claims. The frequency of collision claims basically remained stable, although the severity of each claim increased 48%.

Reviewing all of these data together, the following results are reached: the rate of accidents has not significantly increased from 1983 to 1988, as indicated by stable or slightly reduced property damage liability and collision claim frequencies. There is , however, a greater disposition to file bodily injury liability claims. Most significantly, the severity of both property damage and personal injury claims is rising dramatically.

Taken together, these data support the conclusion that to significantly reduce auto insurance losses, and the premiums that they are based upon, we must drastically reduce the severity of the damage that is done to both human beings and to motor vehicles in each accident. Meanwhile, we must, of course, continue to reduce motor vehicle accident rates. Consumers and insurers have put forward a suggested agenda for action at the federal level to accomplish these goals.

<u>Consumer/Insurer Proposals Can Reduce The Severity And Frequency Of Highway Accidents</u>

After intensive review and consultation, major national consumer groups and insurance organizations have issued a Consumer

Health and Safety Agenda. See Exhibit B. A large segment of this Agenda is dedicated to motor vehicle safety. Here are the Agenda's major relevant recommendations:

> make airbags standard equipment on all private passenger motor vehicles; increase public education on airbags; require rear passenger shoulder belts; improve side-impact protection; apply side-impact, rollover, passive and active restraints, roof crush, head restraint and fuel system integrity standards to all vehicles commonly purchased to transport people, including vans, minivans and light trucks; obtain better enforcement of speed limits; maintain 55 mph on roads where that is currently the speed limit; support a ban on the use of radar detectors particularly in commercial motor vehicles; step up national education programs on drunk driving; encourage states to reduce acceptable blood alcohol levels from .10 to .05 and provide for administrative enforcement; support programs to improve the design of highways; require antilock brakes and on-board recorders on all new commercial motor vehicles and require bumpers on all new passenger vehicles to withstand 5 mph crash tests.

These recommendations provide a comprehensive framework for Congressional action to address accident severity and frequency.

<u>Congress Can Reduce Highway Accident Losses By Enacting The Agenda For Consumer Health And Safety</u>

Congress has already begun to act on some of the Consumer Health and Safety Agenda proposals and it can be proud of its record in highway safety. For example, in 1986 and again in 1988,

Congress improved the safety of trucks and buses by requiring the Department of Transportation to move rapidly on research relating to antilock brakes and on-board recorders, by reducing the acceptable blood alcohol level of truck and bus drivers from .10 to .04 and by establishing a single drivers license program for truck and bus operators.

This year, there is strong bipartisan support in the U.S. Senate for S.673, which was unanimously reported by the Senate Committee on Commerce, Science and Transportation. That bill would enact many of the Consumer Health and Safety Agenda proposals by improving side-impact protection on all passenger vehicles, applying federal safety standards to vans, minivans and light trucks, moving toward reestablishing 5 mph bumper standards and providing additional public information and education.

Speed Limits

Only the increase in speed limits and the surprising increase of deaths on the higher speed highways have produced results inconsistent with the Congressional record of actions which have improved highway safety in America. Higher speeds definitely increase the severity of a collision, if not the probability of a collision.

We urge that speeds be held at present levels or, better yet, rolled back to 55 mph, based on the latest research findings, showing a major increase in fatalities on high speed rural interstate highways. Research also shows a spillover effect: increasing speeds on highways that were not designed for them and which are congested. Our fear is that the increase in the severity of accidents resulting from the higher speeds may be a factor leading to higher insured losses and higher auto insurance rates.

Law Enforcement

We do recognize, however, that the speed limit issue is an emotionally charged subject with the electorate. In any event, current speed limits should not be increased and they, along with other rules of the road, should be more effectively enforced. In this connection, we urge the Congress to consider the experience with photo radar and urge that Congress encourage other efforts to better enforce the speed limits and other traffic laws. Paradise Valley, Arizona found a significant reduction in highway accidents attributable to the police department's use of photo radar. We believe that the Congress should assure that the Department of Transportation will conduct large scale research and testing of this device and provide incentives for better enforcement of the traffic laws.

Occupant Protection

In the context of increasing speeds, it is particularly urgent that vehicles do a better job of protecting passengers and limiting property damage in the more severe accidents that will occur. S.673 would assure both better occupant protection and more crash resistant vehicles.

Meaningful regulatory progress on federal safety standards in recent years has been virtually non existent. One third of new passenger vehicles being purchased are not covered by standards on side-impact, rollover, restraints, roof crush, head protection, fuel system integrity and rear brake lights. For example, this Fall, a major auto maker is introducing a whole new line of passenger minivans without automatic seatbelts or airbags for front seat occupants and without rear mounted center brake lights, both of which are required on the sedan and coupe version of the same model. This is just the latest example of the current, virtually absolute, gridlock in federal motor vehicle safety regulation, requiring strong action by the Congress, including the approval of S.673.

Research

We also view with alarm not only the lack of regulatory initiative but also the fact that the highway safety research budget may have been cut in half over the past twelve years, based on inflation adjusted dollars. Significant new research is clearly needed on a wide range of issues, such as advanced roadways and enhanced measurement of occupant injury and protection. While measures such as S.673 implement current knowledge, we must work to expand our understanding for the future.

Conclusion

The severity of highway accidents is escalating at an alarming rate, contributing to higher auto insurance losses and higher auto insurance rates. We commend the Congress for its excellent record and its oversight on highway safety. However, increasing speeds may be contributing to, and may further aggravate, the increase in severity of highway accidents.

We urge Congress to implement the consumer/insurer Agenda for Consumer Health and Safety, which offers a comprehensive program to reduce accident severity. It is particularly critical that the Congress assure progress on long overdue regulatory activities, by enacting S.673. We also urge the Congress to support research and incentives for the states, to better enforce existing speed limits and other rules of the road. Finally, there is an urgent need to review the resources provided for highway research, to increase those resources and to provide detailed oversight. Thank you.

EXHIBIT A

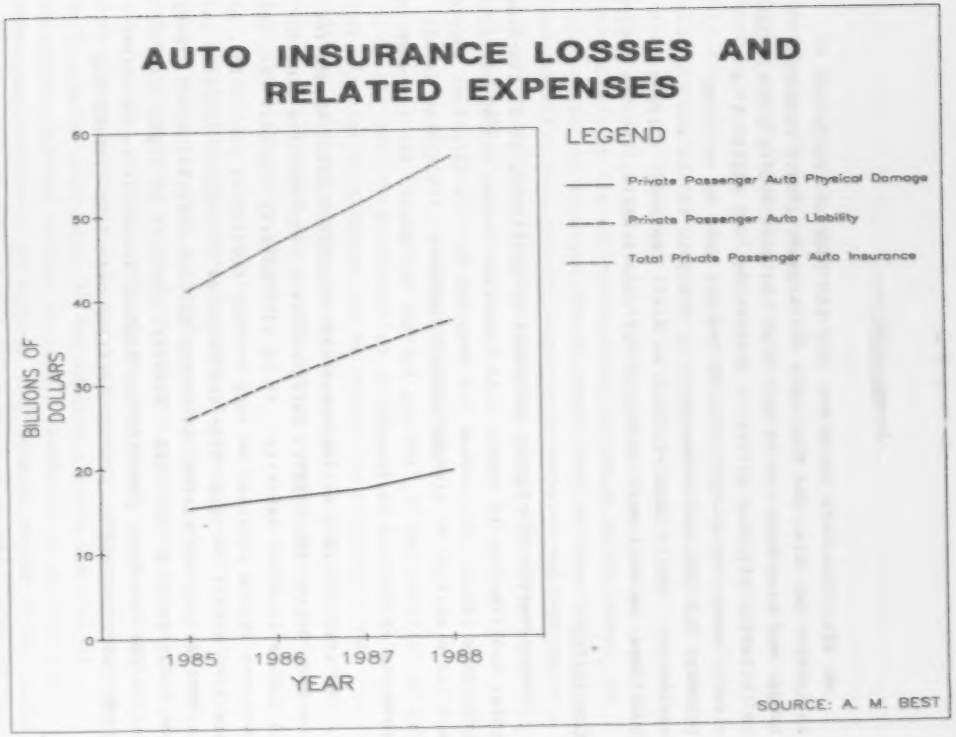
AUTO INSURANCE LOSSES AND RELATED EXPENSES
LEGEND
Private Passenger Auto Physical Damage
Private Passenger Auto Liability
Total Private Passenger Auto Insurance
BILLIONS OF DOLLARS
60
50
40
30
20
10
0
1985
1986
1987
1988
YEAR
SOURCE: A. M. BEST

EXHIBIT 8

1424 16th Street, N.W.
Suite 604
Washington, D.C. 20036
(202) 387-6121

Alliance of American Insurers
Allstate Insurance Company
American Academy of Pediatrics
American Association of Retired Persons
American College of Preventive Medicine
American Council of Life Insurance
Americans for Democratic Action
American Insurance Association
American Lung Association
American Public Health Association
Center for Auto Safety
Center for Science in the Public Interest
Consumer Federation of America
CUNA Mutual Insurance Group
Insurance Information Institute
John Hancock Financial Services
The Kemper Group
Liberty Mutual Insurance Group
Motor Voters
National Consumers League
National Council of Senior Citizens
Nationwide Insurance Company
The Principal Financial Group
The Prudential Insurance Company of America
Public Voice for Food and Health Policy
State Farm Insurance Company
The Union Labor Life Company

CONSUMER HEALTH & SAFETY AGENDA

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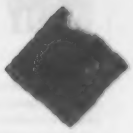
ASSESSMENT OF THE PROBLEM

Motor vehicle crashes are a major national health and safety problem. They are the leading killer of Americans under the age of 35, and the leading cause of head injuries, epilepsy, quadriplegia, paraplegia, and facial injuries, as well as a significant cause of blindness. In 1987, nearly 46,000 people died in motor vehicle crashes in the United States; 33,000 of these fatalities were passengers. More potential years of life are lost due to motor vehicle fatalities than any other cause, including cancer. Each year, 1.8 million people suffer disabling injuries resulting from motor vehicle accidents. In addition to the lives lost and the serious injuries suffered, the economic cost to society is staggering, exceeding $87 billion annually.



Lisa Lewis Pittenger
Center for Auto Safety
John Thorne
Allstate Insurance Company
Susan Myers
Alliance of American Insurers

Twenty-five percent of all injuries—primarily brain trauma—could be prevented with air bag use.

The causes of motor vehicle injuries and fatalities from accidents are manifold. In some cases, the design of the vehicle is unsafe, often because the safety standard for the vehicle is inadequate, or there is no standard at all. In others, driver error involving speeding or impairment as a result of alcohol or drugs is involved. In still others, road conditions—roadway hazards, speeding by other vehicles—are implicated. In any of these situations, failure to install adequate passive restraint systems (automatic safety belts and air bags) or failure to use active restraints (manual safety belts) exacerbates occupant injuries and fatalities. Each of these factors must be assessed in order to develop approaches for improving motor vehicle safety.

SAFETY BELTS AND AIR BAGS

Assessment of the Problem

Frontal and front angle impacts account for 60–65 percent of the occupant fatalities and serious injuries, costing over 10,000 lives a year. In 1985, rear seat passengers sustained approximately 1700 fatalities and more than 100,000 injuries; many of these victims were children.

In the majority of states, mandatory use laws (MULs) requiring occupants to buckle their safety belts apply only to front seat occupants, and child restraint laws apply only to very young children. Many states still have not enacted MULs, while some existing MULs remain ineffective because police have only secondary enforcement authority against violations of the laws.

Furthermore, auto manufacturers are required to provide only lap belts in the back seat. Rear seat passengers, restrained solely by lap belts, can still be thrust forward or sideways from the waist upon impact and may suffer severe head and abdominal injuries. Since anchorage points for rear shoulder harnesses are already required under Federal Motor Vehicle Safety Standard 210, the additional cost of shoulder belts would be minimal.

Light trucks, vans, and utility vehicles are increasingly being used as private passenger vehicles and are replacing the family station wagon. They represent one-third of all of the vehicles purchased today. However, auto manufacturers are not voluntarily equipping these vehicles with passive restraint systems.

Many manufacturers do not offer air bags on a wide variety of models, in a no of significant consumer demand. Dealers should be encouraged to provide accurate information to consumers on the benefits of air bags and other passive restraints. People need to know that 25 percent of all injuries—primarily brain trauma—could be prevented with air bag use. Some even fear air bags, mistakenly believing that they could inflate or explode when driving over a bump in the road.

Many people also erroneously believe that either seat belts or air bags are sufficient to protect them in a crash. Safety belts provide only limited protection in moderate or high speed frontal impacts, and air bags provide insufficient protection in other types of crashes. The maximum occupant protection is achieved through the combination of air bags and safety belts.

Recommendations

The passive restraint standard for cars will continue to have a substantial impact on reducing the carnage on our highways, but even more must be done to prevent the thousands of deaths and injuries caused by vehicle accidents every year. The most effective technology in occupant protection should be standard equipment in all passenger vehicles; currently, this is the air bag. Both the driver and passenger side of vehicles should offer this protection. People must be informed about air bags and must be encouraged to buy vehicles equipped with them. Additionally, rear seats should be equipped with three-point safety belts.

While a study done by the National Highway Transportation Safety Administration (NHTSA) found the average safety belt usage rate to be at an all time high of 49 percent, the lowest belt usage rate (less than 20 percent) is found among the highest risk group

...passengers. The Department of Transportation (DOT) estimates that a belt usage rate of as low as 50 percent in vehicle crashes would save 4400 lives annually, and that this figure would double to 8800 if air bags were also equipped in these vehicles. Air bags alone would prevent 110,000 serious injuries annually; if safety belts were also worn, this number would increase to 150,000.

The Coalition urges the Administration to aggressively disseminate information and educational materials on specific issues regarding motor vehicle safety and to adopt appropriate safety standards. The public must be educated on the importance of using safety belts in conjunction with air bags, and must understand that both are required to provide adequate protection. Federal, state, and local governments should more strictly enforce MULs and provide promotional materials on the importance of motor vehicle safety and the use of passive restraint systems.

NHTSA spent $110 million, mostly in the form of state grants, to promote safety belts but has not yet made any significant effort to publicize the benefits of air bags. NHTSA should allocate comparable funding to adequately educate the public in this area.

The Coalition recommends the following actions to expand the implementation and use of occupant restraint systems:

- working to secure passage of strong belt use laws in states where such laws are not yet in effect and to strengthen existing laws to include primary enforcement and new rear seat coverage provisions (these laws should incorporate mandatory standards for child restraint use in passenger vehicles);
- encouraging the manufacture and purchase of cars with air bags;
- requesting that NHTSA support and finance a significant public education effort to promote the importance of air bags and debunk myths about them;
- promoting the availability of insurance discounts to owners of air-bag equipped cars;
- petitioning NHTSA to extend passive restraint regulations to light trucks, vans, and utility vehicles;
- advocating safety regulations that ensure that safety belts are offering maximum protection and that mandate rear passenger shoulder belts;
- urging the use of films of simulated crash tests with and without seat belts and air bags in school and workplace safety programs and in public service media campaigns;
- encouraging the retrofitting of air bags in passenger vehicles; and
- encouraging the retrofitting of rear seat safety belts with shoulder harnesses.

SIDE IMPACT STANDARD

Assessment of the Problem

One-third of car occupant deaths occur in side impacts, which account for approximately 8000 deaths and 23,000 serious injuries annually. The current side impact standard only requires that car doors meet a certain level of strength; it does not specify the extent of actual occupant protection in crashes. Because this standard depends on the weight of the car, it actually requires less protection for lighter cars, which are more vulnerable in side impact collisions.

Recommendations

Current standards for side impact protection are antiquated and inadequate. NHTSA and automotive manufacturers have researched a new dynamic crash-test standard for side impacts. NHTSA must move expeditiously to resolve injury criteria, test device problems, and finalize a new rule.

Through the rulemaking process, the Coalition urges NHTSA to:

- implement a crash-test standard for side impacts;
- release and publicize crashworthiness test results to increase consumer awareness of actual vehicle safety;
- include side-impact test results in the New Car Assessment Program;
- extend side impact standards to light trucks, vans, and utility vehicles; and
- formulate strength parameters for side impacts based on both moving and fixed object impacts.

The Coalition also urges more public education about the importance of side impact standards to assist consumers in their vehicle-buying decisions.

SAFETY STANDARDS FOR LIGHT TRUCKS, VANS, AND UTILITY VEHICLES

Assessment of the Problem

As the popularity of light trucks, vans, and utility vehicles increases, so does the need for occupant protection for these automobiles. Some of these vehicles have much higher death and injury rates than cars. According to the Insurance Institute for Highway Safety (IIHS), the multiple vehicle death rate for accidents involving light trucks or vans is the same as for cars, but the single vehicle occupant death rate for these vehicles is two to three times that of cars. Most deaths (72 percent) in small utility vehicles occur in single vehicle accidents.

The single vehicle occupant death rate for light trucks and vans is two to three times that of cars.

The fact that these vehicles have a higher center of gravity and a narrower wheelbase, which allows them to easily roll over is a factor in the higher death rate. Small pick-up trucks and small utility vehicles are disproportionately involved in fatal rollover crashes. The occupant death rate in fatal rollovers is more than twenty times as high for small utility vehicles as for large cars. IIHS data indicates that from 1981-87, 28 percent of all occupant deaths in small and large late model pick-up trucks involved rollovers.

Another factor contributing to the high death rate for these vehicles is the fact that light trucks and vans do not have to meet the same safety standards, such as side impact reinforcement, as passenger cars. The dangers resulting from the design of some of the vehicles are enhanced by the fact that they are often driven by teenagers and young adults (an age group with a disproportionately high accident rate when compared to the general population), and are used as a family car in households with children.

Recommendations

Federal legislation or regulation is needed to mandate safety standards for light trucks, vans, and utility vehicles similar to those that presently exist for cars. The Coalition must educate the public about the dangers of certain vehicles, and gain public support for adoption of appropriate federal safety standards. It must also work to ensure that auto manufacturers share the responsibility of making these vehicles safer and educating the public.

The Coalition urges NHTSA to promulgate necessary safety standards for these vehicles, including standards for:

- side impact;
- roll-over;
- passive and active restraints;
- roof crush;
- head restraints; and
- fuel system integrity.

The Coalition supports the development of a media and public education campaign to push for the adoption of these standards.

SPEED LIMITS

Assessment of the Problem

A National Academy of Sciences study estimated that the 55 mph speed limit has saved 2000 to 6000 lives and prevented 3000 severe injuries and 50,000 minor injuries every year. It also indicated that as speed increased, the number of fatalities and serious injuries also increased. An IIHS study indicated that the 65 mph speed limit on rural interstate highways has increased fatalities on those roads by 20 percent. An even greater threat to safety would be posed by the extension of higher speed limits to state, primary and secondary highways. These roads have fatality rates more than three times higher than the interstate highways.

A substantial number of drivers exceed posted speed limits by ten or more miles per hour. Many drivers exceed 75 mph on rural interstates. In states that permit the higher 65 mph speed limit, drivers often fail to reduce their speed when entering urban areas or when exiting onto primary and secondary roads. Inadequate enforcement of speed laws and minimal penalties contribute to the problem.

Higher speeds dramatically increase the crash forces at impact. For the occupant, crashes at higher speeds result in more severe injuries and more fatalities; a driver involved in a crash at 60 mph is twice as likely to be killed as a person in a 40 mph impact crash. For insurers, the higher speed limit means an increase in the frequency and severity of crashes and the dollar amount of insurance claims. This translates into higher auto insurance premiums for consumers.

Recommendations

The public, and elected representatives, must view speed limits as a public health and safety issue. State and local governments need to strengthen their enforcement of speed laws and toughen speeding penalties. The dangers of speeding and the injury and fatality statistics resulting from the higher speed limit must be communicated to the general public as part of an awareness campaign. The Coalition must enlist the support of the DOT and appropriate state agencies in these efforts.

The Coalition supports the following actions to improve observance of speed limit laws:

- working with other interested groups (like the American Trucking Association) to encourage stricter enforcement of existing speed limits;
- opposing higher speed limits in those states that have not yet adopted the 65 mph limit and attempts to increase speed limits on primary and secondary highways; and
- supporting a ban on the use of radar detectors, particularly in commercial vehicles.

ALCOHOL, DRUGS, AND DRIVING

Assessment of the Problem

The number of traffic deaths resulting from drivers impaired by alcohol or other drugs has increased during the past few years, according to a study conducted by the Boston University School of Health. Although the number of teenagers killed in accidents involving alcohol had been decreasing since 1980, it jumped 17 percent from 1985 to 1986; among all age groups, the number of fatalities in which alcohol was a contributing factor totaled more than 23,000 in 1987, or more than 50 percent of all highway deaths. Approximately two out of every five people in the U.S. will be in an alcohol-related crash in their lifetimes. Drinking and drugged drivers threaten their own lives and those of their passengers, other motorists, and pedestrians.

Many states are strengthening their drunk/drugged driving laws, yet others have laws that are much too weak to address this tremendous public health and

safety threat. States vary widely in their methods of addressing this problem. Currently, in 26 states, a drinking and driving accident that causes a death is a felony—vehicular homicide. Sixteen states mandate imprisonment for a first time conviction. Twenty-six states require investigating police officers to confiscate a suspected drunk driver's license on the spot.

Single vehicle, run-off-the-road crashes constituted 29 percent of all fatal crashes and accounted for 25,000 deaths in the last two years.

Despite alcohol and drug education campaigns, pressure for adults and teens to drink and take drugs abounds in our society, whether in advertising that promotes drinking or through peer pressure. People who are intoxicated often drive home after work or social events, thereby endangering themselves and others on the road.

Recommendations

State and local legislators need to strengthen drunk/drugged driving laws in all of the states and adopt a policy of strict enforcement. States should enact laws that mandate automatic administrative suspension of a driver's license for drunk/drugged driving. Public education efforts need to be increased, and rehabilitation programs for substance abusers need to be reassessed and improved.

To combat the problem of drunk and drugged drivers, the Coalition supports the recommendations contained in the "Alcohol Consumption" section. It also recommends:

- working with other interested groups to develop hardhitting campaigns against drunk/drugged driving including public education (starting at the elementary school level), media editorials, and letters to legislators;
- encouraging NHSTA, the Department of Health and Human Services, and appropriate state agencies to use their funds for public education on drinking and drugged drivers; and
- establishing a study commission on the effectiveness of imposing criminal penalties on drivers found to be drug or alcohol impaired.

The Coalition also adopts the following recommendations of the National Council on Alcoholism:

- all states should adopt a law making a blood alcohol content of .05 *per se* illegal for driving, as recommended by the American Medical Association;
- each state should establish an "implied consent" statute, which provides that all licensed drivers have consented to tests of blood, breath, or urine to determine alcohol concentration; and
- state and local governments should prohibit consumption of alcoholic beverages in motor vehicles and prohibit possession of open alcoholic beverage containers in passenger compartments of motor vehicles.

ROADWAY HAZARDS

Assessment of the Problem

Single vehicle, run-off-the-road crashes constituted 29 percent of all fatal crashes and accounted for 25,000 deaths in the last two years. These crashes occur when vehicles, for a wide range of reasons, leave the roadway and collide with fixed objects or roll over on steep embankments.

Run-off-the-road occurrences are predictable events that often result in collisions with trees, utility poles, sign supports, and other roadside obstacles. Contributing factors are: lack of positive guidance because of inadequate pavement markings and signs; poor roadway geometry, particularly sharp curves, steep downgrades, and insufficient superelevation; narrow roadside clear areas; and steep roadside embank-

ments. In addition, the vehicle fleet has shifted to smaller and lighter vehicles without compensating changes in the highway environment to mitigate the severity of primary and secondary collisions with fixed objects.

Recommendations

The Federal Highway Administration (FHWA) and state highway agencies must adopt a uniform, cohesive approach to roadway safety issues. The Coalition urges these federal and state agencies to elevate safety analysis to a policy level.

The Coalition urges FHWA and state agencies to issue and implement regulations for:

- barrier and breakaway sign and utility supports; and
- standards for improved positive guidance, including improved pavement markings and alignment on all highways.

TRUCK SAFETY

Assessment of the Problem

With more than one million large trucks operating on our nation's roads, hauling three-fourths of the total dollar value of all freight in the US, no one questions their importance to our economy. However, as vital as these vehicles are, they continue to be involved in a large number of highway deaths and injuries. In 1987, 4564 people died in tractor-trailer crashes, the majority of whom were passenger vehicle occupants. In fatal crashes involving passenger cars and tractor-trailers, people in the passenger cars are killed 47 times as often as the truck occupants. Tractor-trailers have higher crash rates per mile on toll roads than passenger vehicles. Although anti-lock brakes, which keep wheels from locking up during braking, will be required as of October 1991 on large vehicles in Europe's common market countries, virtually no trucks in the United States have anti-lock brakes, nor are there plans to require them.

Recommendations

The Coalition supports increased enforcement against unsafe and overweight trucks, as well as more stringent standards for licensing of drivers of large trucks. Large trucks need to be equipped with effective rear underride guards, and energy-absorbing structures should be developed for the front and sides of these vehicles. These devices will help prevent car occupants from being crushed or decapitated in rear-end or side impact collisions.

The Coalition also supports the following measures:

- prohibition of or stricter enforcement against radar detectors in large trucks to prevent speed-related accidents;
- adoption of federal standards to mandate anti-lock brakes and to require tachographs (black boxes), which record truck speed, driving time, and other pertinent travel data; and
- full and timely implementation of the Commercial Motor Vehicle Safety Act of 1986 to help remove unsafe and unqualified commercial drivers from the nation's highways.

In fatal crashes involving passenger cars and tractor-trailers, people in the passenger cars are killed 47 times as often as the truck occupants.

OTHER TOPICS OF CONCERN

Vehicle Design to Protect Pedestrians

Forty percent of all traffic-related deaths of children between the ages of one and nine occur when children are pedestrians.

Structurally stiff designs increase the severity of injury to pedestrians hit by cars, especially the five-to-eight-year-old population. According to IIHS statistics, 40 percent of all traffic-related deaths of children between the ages of one and nine occur when the children are pedestrians. The Coalition urges NHTSA to develop standards for modifications of the front end of automobiles. Manufacturers must develop front end designs that are significantly less dangerous to pedestrians. Dangerous features, such as pointed hoods, bumpers, and hood ornaments need to be eliminated and replaced with rounded lines and shock absorbent material.

Five MPH Bumpers

Repeal and weakening of mandatory motorcycle helmet use laws resulted in total economic costs to society of $180 million in 1980.

The federal standard for 5 mph bumpers (i.e. bumpers that could withstand an impact at this speed), first recommended by NHTSA in 1967, was adopted by the agency in 1970. NHTSA reduced the standard to 2.5 mph in 1982 in response to a request to the Office of Management and Budget by General Motors, which stated that the company could save $60 per vehicle if the standard was relaxed. With the existing 2.5 mph bumpers, vehicle occupants have less protection in low speed collisions, and are thereby more vulnerable to head or neck injuries.

Readoption of the 5 mph bumpers standard would greatly reduce the number of injuries and the amount of damage from low speed accidents. The Coalition also recommends that NHTSA set higher bumper standards on all automobiles, and establish a rating system for bumpers. Manufacturers should be strongly encouraged to voluntarily adopt the 5 mph standard.

Consumer Information on Sales Stickers

To assist car buyers in making informed purchases, crash test figures should be included on sales stickers, as well as other pertinent safety data that could influence a buying decision, such as front and side impact ratings. An explanation of the relevance of this data must be provided as well.

Anti-lacerative Glazing for Windows

Car crashes cause over 250,000 facial lacerations requiring medical treatment every year. Six thousand people are killed annually by ejection from motor vehicles; 50 percent are ejected through doors, while the remaining 50 percent are ejected through windows or the windshield. Anti-lacerative glazing has been developed to prevent facial lacerations but would also strengthen glass to prevent ejection.

NHTSA has been researching this glazing for six years. It has included an advanced notice of proposed rulemaking on anti-lacerative glazing as part of its proposed rulemaking for side impact standards. General Motors has put this glazing on some of its Cadillacs at a cost of $60 per car, and Audi says that it will put anti-lacerative glazing and "glass plastic" on its windows. The Coalition supports the further development and use of anti-lacerative glazing.

Research and Safety Vehicle Program

The Research and Safety Vehicle Program, initiated by NHTSA in 1974, designed a research and safety vehicle capable of protecting front seat occupants in 80 mph frontal collisions with dual chamber air cushion restraints. Rear seat occupants were protected in crashes occurring at over 40 mph through a three-point safety belt restraint system. The vehicle had specially designed doors and latches, interior padding, and energy-absorbing side glazing to protect occupants in fron-

tal, rollover, and side impact collisions. The body was foam-filled for crash energy management, and the driver had 325 degrees of unobstructed visibility. The Coalition recommends that NHTSA rejuvenate the safety vehicle research program.

Anti-lock Brakes

Anti-lock braking systems are an important safety feature for cars as well as trucks. Anti-lock brakes provide much greater vehicle control in adverse weather conditions and during sudden braking maneuvers. They also reduce stopping time, and thereby help to prevent rear-end collisions or pedestrian-related accidents. Currently, only the most expensive models (approximately $30,000 and up) offer this technology either as standard equipment or as an option. Further, because anti-lock braking systems are produced at a low volume, they are prohibitively expensive even when offered as an option.

Anti-lock braking systems have proven to be an effective safety device on European vehicles. This technology, which has been instrumental in preventing many types of single and multi-vehicle accidents, should be vigorously promoted by manufacturers and made widely available. Strong consideration should be given to a government policy to make anti-lock brakes standard equipment in U.S. passenger vehicles.

Motorcycle Helmet Laws

Studies conclusively prove that serious and fatal head injuries are two to three times higher for non-helmeted motorcyclists than for those wearing helmets, according to the Automotive Safety Foundation. In 1975, 47 states and the District of Columbia required motorcyclists to wear helmets, and motorcycle fatalities totaled 3233. However, since repeal of the federal helmet use statute (which stated that federal highway funding would be withheld if a state did not enact a helmet law), only 19 states have helmet use laws, and the number of fatalities soared in 1986 to 4630. In addition, DHS has reported that repeal and weakening of mandatory helmet use laws resulted in total economic costs to society of $180 million in 1980. Therefore, the Coalition strongly recommends that every state enact mandatory motorcycle helmet laws, and that dealers be encouraged to offer helmets for sale in conjunction with motorcycle purchases.

Mr. VALENTINE. Thank you, sir.

Mr. Donaldson.

Mr. DONALDSON. Thank you, Mr. Chairman. We were told to be brief, sir, and brief to the point. I understand the constraints of the subcommittee, so as short as my prepared testimony is I'm going to dispense with it and try to move to some points which I think mostly have arisen in my own mind in the course of what we've heard today, most particularly by Mr. Walker's arguments.

I think a number of things here have been coming to the mill and they need to be brought out here. First of all, when the 55 miles an hour speed limits were being established we had two major studies which preceded that are being used in the 38 States that established them. We had the National Academy of Sciences study and we had the Institute of Transportation Engineer Guidelines. I initially was a member of the Institute of Transportation Engineers' study or task force group that was trying to come up with guidelines for 65. I did not agree with all of the guidelines that were established, Mr. Chairman, but nevertheless the guidelines were fairly reasonable. Even if one were to argue that 65 were an acceptable speed, most of the States ignored those concerted opinions of the best traffic engineers in this country on where, how and when 65 should be established. So I think that needs to be put into the record.

Mr. Walker is right. Highway environments are very variable. They are not the only thing that's in the mix out there, and the fact is, is that autobahns are not built like U.S. interstates, Mr. Walker. They never have been. U.S. interstate design is not uniform. It hasn't been for a variety of reasons, which we can go into. They consist of not only travel lanes, but they consist of other dimensions of design, superelevation, the curve tangent relationship, which in Germany as you've noted if you've probably driven there is a very interesting one. The Germans built curved highways in flat terrain, and they built it for a very good reason. Because it promotes driver alertness, and they do it on the autobahn. In the United States we have always taken, unfortunately, a simplistic origin and destination line of engineering in flat terrain and we believe, as they believe in Kansas and Nebraska, that a straight, flat highway is an act of God and a good highway. But it is not necessarily the right way to build a highway.

Thirdly, we do have a very highly variable driving population out there. Mr. Walker was right to enunciate that too. And, unfortunately, the person who is getting the short end of the stick is the elderly driver. The elderly driver is highly compromised in a rural interstate operating environment, particularly at speeds above 55 miles an hour, and one of the elements promoting high speed differentials out on the road right now is the fact that elderly drivers are highly intimidated by high operating speeds. Many of them are both uncomfortable and less safe and less adept when they are at high travel speeds. They are much safer and more comfortable at lower travel speeds. They are part of the reason for high speed differentials.

I also agree that there isn't adequate driver training. There isn't adequate basis for driver licensing. We still have only a static acuity test. For vision, we have dynamic acuity tests. My mother-

in-law can't see anything over on this side, the left side of the eye. She has a driver's license. Should she be allowed to drive or not, I am not sure that the answer is altogether one just on the basis of public health.

Also, I don't like public policy decisions even in the longer term being driven only by fatalities, and the only thing we've heard about today is how many bodies are being piled up in the carts at the emergency medical services. In the long run any public health and epidemiological context ought to be driven by severity of injury, and the total number of injuries involved, and the social losses associated with this, and that's one of the reasons why I'd like right now to associate myself with the AIA data in here, which I think ought to be studied very carefully, about the level and severity of loss involved in terms of injuries. One of the things that hasn't come out in here about fatals is that the fatal accident information that we have, which we can derive from NHTSA's information, is the fact that we have about the same number, Mr. Walker, of fatal involvements with higher vehicle miles traveled as you cited earlier today but we have a lot more dead bodies in the same number of fatal involvements, which means more people are dying in the same number of fatal accidents because there is a higher level of trauma involved and there is more accident frequency.

And lastly, I think that 55 and 65 are public health elements that have to be driven in relationship to the other elements in the highway environment. I agree that speed is not the only controlling factor. We have lots of other variables out there. A lot of our highways need to be rehabilitated and reconstructed. The proper design standards are not being used. But in the long run, there is a 12-plus year proven track record of what 55 means, and to me the numbers still speak most unambiguously about the consequences of 55 as one of the wisest and most insightful public health strategies any industrialized nation has ever chosen and I have no qualms about banning radar detectors, having people drive at 55, and having them suffer the consequences of police state telemetry in finding out when and how they have exceeded the speed limit and receiving an automatic citation in the mail.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Donaldson follows:]

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TESTIMONY OF GERALD A. DONALDSON, PH.D.
BEFORE THE
COMMITTEE ON SCIENCE, SPACE AND TECHNOLOGY
SUBCOMMITTEE ON TRANSPORTATION, AVIATION AND MATERIALS

ON

FIFTY-FIVE/SIXTY-FIVE MILES-PER-HOUR NATIONAL SPEED LIMITS

• • • • • • •

Mr. Chairman, when Congress allowed 65 mph speed limits on our rural Interstates and on certain other limited access facilities, and suspended the application of Federal sanctions against states that failed to conform to the 55 mph national speed limit, it seriously compromised the health and safety of most Americans. I'm not going to waste this Subcommittee's valuable time today in quibbling over the numbers that the NHTSA and the Insurance Institute for Highway Safety have generated showing the steep increase in highway losses associated with the rise to 65 mph. It is unarguably clear that these two studies indicate the same outcome: increased deaths and overall accident costs undoubtedly amounting to many additional millions of dollars have been the inevitable product of the political decision to allow higher operating speeds on limited access rural highways.

The single largest non-disease public health context in the U.S. is our system of roads, streets, and bridges. Our losses on this network are staggering, perhaps as much as $100 billion a year, and the subtraction of productive time from America's workforce due to deaths, debilitating injuries, medical resource allocation, and

insurance payouts, is exceeded only by cancer. No other disease, not even AIDs, can challenge the enormous drain on our nation's health produced through motor vehicle accidents. This depletion of our public health and resources has been substantially increased with the advent of 65 mph and the moratorium on enforcing the Federal law on 55 mph.

The result of 65 mph is now plain for all to see. Increased deaths, injuries, and property damage losses have been produced by significant increases in operating speeds, speed differentials, erratic vehicle operating behavior, and the spill-over or speed-polluting effects on facilities posted at lower limits. Our elderly drivers, for example, have been especially hard-hit by 65 mph. Many of them, particularly those over 65 years of age, are uncomfortable and less adept at the driving task at speeds beyond 65 mph. Many of these older drivers have maintained their lower, 55-mph based operating speeds and are part of the reason for the considerably higher speed differentials and erratic vehicle maneuvers present on 65 mph posted highways.

And on 55 mph highways, it is no secret that the legislated moratorium on applying the sanctions of 23 U.S.C. § 154 caused a radical reduction in enforcement efforts throughout the states. Eighty-fifth percentile speeds have risen continuously on 55 mph highways since the moratorium was passed last year and both increased speeds and lax enforcement have continued despite the lapse of the moratorium last September 30th. Higher travel speeds on 55 mph posted highways have

continued due to a lack of renewed enforcement efforts and the margin of increase has been especially large on median-divided facilities, both urban Interstates, other freeway, and partially-controlled and uncontrolled access routes. Many of these facilities are dangerous even at 55 mph due to substandard geometry and lethal roadside environments. As the operating speeds increase, the losses mount ever higher.

Unfortunately, these built-in design deficiencies are just as true of many of our rural Interstates that have been posted at 65 mph. Many of these thoroughfares are more than 25 years old, have serious defects of alignment, superelevation, grade, and roadsides still populated with non-frangible appurtenances, dangerously steep ditch lines and slopes, and many other off-road hazards. Many advocates of 65 mph have nevertheless been fond of referring to the "buffer" of safety supposedly built into our rural Interstate highways because of "design speeds" inherent to the facilities that are claimed to be higher than 65 mph.

It needs to be pointed out once and for all, Mr. Chairman, that the concept of theoretical design speed is a very murky one with poor documentation. It is an extreme idealization with very few hard-number design parameters that can be relied on. Furthermore, it is not a holistic notion encompassing the entire, real-world operating context that comprises different capacity demands, vehicle mixes, and off-road environments. When advocates of 65 mph appeal to the 70 mph or 80 mph design speeds of rural Interstate highways, they

essentially are relying on an undemonstrable fiction of civil engineering theory.

Similarly, we also must disabuse ourselves of the vision of our rural Interstates as unfettered driving environments limited only by the horizon. America's rural Interstates are in fact continuously under reconstruction and rehabilitation. At any given moment, hundreds of miles of these rural highways are governed by the contraints of special work zone traffic control measures and in most cases require careful negotiation and reduced speeds by traversing motorists. Last year, Mr. Chairman, 735 persons died just in highway work zone accidents, 218 alone on Interstate highways. And these deaths, it must be stressed, comprise both motorists and workers. It was hard enough to control speeds through these dangerous work areas when the approach highway was posted at 55 mph. Ask any state highway engineer how much harder it is to secure work zone safety when the approach roadway is posted at 65 mph and traffic is moving at 75 mph.

In sum, Mr. Chairman, 65 mph and the 55 mph sanctions moratorium were major policy mistakes. It is difficult for us to accept that this nation, this Congress, is prepared to accept these enormous losses as the price for marginal increases in commercial and personal mobility. The arguments for reduced travel time and increased productivity have clearly been shown to be canards. Even the nation's trucking industry understands with crystal clarity the benefits of reduced fuel consumption, reduced maintenance costs, reduced driver fatigue,

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and reduced accidents that accompanied 55 mph as our national maximum speed limit. This maximu speed limit needs to be statutorily restored and enforcment on all highways needs to be substantially increased. The legislative moratorium on 55 mph sanctions must not be renewed if some of the states again are found to be out of compliance with the law. We must acknowledge that 65 mph was an experiment that failed tragically and that the price for negligible increases in mobility is a price too high for this nation to pay.

We are pleased to have been asked to testify here today and we hope we have provided some information for your Subcommittee's deliberations. We are happy to answer any questions you may have.

Mr. VALENTINE. Thank you, Mr. Donaldson.

Let me stay before we go to Mr. Schneider that you, your engineers would love the farm-to-market roads in North Carolina.

Mr. DONALDSON. I have seen them, sir, and I've driven them.

Mr. VALENTINE. Mr. Schneider.

Mr. SCHNEIDER. Thank you, Mr. Chairman. I'm pleased to be here today representing Patricia Adduci, who serves both as the Commissioner of Motor Vehicles in New York and chair of Governor Mario Cuomo's Traffic Safety Committee. We appreciate the opportunity to provide the subcommittee with our findings, thoughts and concerns about the 55 miles an hour speed limit.

As you probably are aware, New York is one of only 9 States that have maintained the 55 miles per hour maximum speed limit statewide. We have done this for one principal reason: 55 does save lives. It also reduces motor fuel consumption, thereby reducing our dependence on foreign oil.

During the late 1960s, when the casualties of the Vietnam War dominated our news coverage and I was obtaining college degrees in civil and transportation engineering, I was struck with the fact that we, as a nation, readily accepted the fact that over 50,000 people would die on our highways each year, half due to drunk driving.

All that seemed to change in 1973 when the first energy crisis occurred. Soon the 55 miles per hour maximum speed limit was adopted nationwide. Not surprisingly, we saw fatalities drop from 56,000 in 1972 to 46,000 in 1974, over a 20 percent decrease. In New York State, highway fatalities decreased by nearly 500 deaths per year and our fatality rate decreased by 21 percent, from 4.65 fatalities per hundred million vehicle miles in 1972 to 3.69 in 1974. The message was clear, 55 was saving lives, a fact that I believe is fully documented in the Transportation Research Board report of the National Academy of Sciences.

As we entered the 1980s, New York's fatality rate was approximately the same as the national average. During the '80s we have undertaken a series of other life-saving initiatives, such as tough drunk driving laws, our successful STOP-DWI program, the 21-year-old purchase age, and the nation's first mandatory seat belt law.

New York was the only State in the Nation to reduce total highway fatalities in each of the first 5 years of the decade. In 1985, we established what was then an all-time record low fatality rate of 2.20, a feat nearly duplicated in 1986 with a rate of 2.23.

During the first quarter of 1987 it seemed like we were on our way to an all-time record low rate again. Our fatality rate was 5 percent below our 1986 level. Then it happened. The 65 miles per hour speed limit was authorized on April 2, 1987, a move that sent a deadly message to all drivers in the Nation that it was all right to speed. The message was received not only by drivers on rural interstates where the speed limit was officially increased to 65. It was also received by drivers everywhere, including New York. The result was that during the last three quarters of 1987 fatalities in New York skyrocketed by 13 percent.

We had to make an important choice, and I'm pleased to report that New York chose, in a bi-partisan manner, to take the action

necessary to save lives. We kept 65 but in doing so we had to send a strong message back to our drivers that 55 was right for New York.

First, we launched an educational campaign that "New York is Tough on Speeders," which stressed the benefits of 55. Commissioner Adduci approved a significant increase in the penalty points assigned for exceeding—for excessive speeding convictions. For example, our point system was adjusted so that a single speeding conviction over 40 miles per hour above the posted speed limit would result in the loss of one's license. Points were increased for all offenses in excess of 10 miles per hour over the speed limit.

Next, State Police Superintendent Thomas Constantine increased our speeding enforcement efforts through our saturation speed enforcement campaign.

Finally, the State Legislature approved Governor Cuomo's proposal earlier this year to significantly increase speeding fines from a $100 maximum to a $400 maximum for a first offense and up to $750 for repeat offenders. Furthermore, stiff minimum fines were established. For example, a conviction of going over 10 miles per hour above the posted speed limit results in over a $75 minimum penalty. For over 30 miles per hour above the speed limit, the minimum penalty is in excess of $135.

Not surprisingly, these efforts have already shown results. Nineteen eighty-eight was the safest year ever on New York highways with a 2.16 fatality rate, 10 percent below the national average. While national highway fatalities increased by 1½ percent in 1988, fatalities in New York decreased by 4 percent.

When Congress was considering increasing the speed limit in 1987, most traffic safety experts warned that this action would increase highway deaths. Studies by both the National Highway Traffic Safety Administration and the Insurance Institute for Highway Safety shows these experts were correct. For States that adopted the 65 miles per hour limit, the Insurance Institute study indicated a 15 percent increase. More disturbing, however, I think was the information just released by NHTSA that showed on top of that another 13 percent increase in 1978, or nearly, starting to approach a 30 percent increase overall.

The NHTSA study that looked at the 1987 increase documented 352 more fatalities, 19 percent on rural interstates, which went to 65 compared to only 21 more fatalities where 55 was retained. The number of fatalities increased by about 330 nationwide between 1986 and 1987. Without the increase to 65 and its spillover effect, 1987 fatalities could and would have been decreased.

We believe that the public must properly be advised of the dangers of speeding, and therefore I'm glad at the initiative announced by NHTSA this morning. We have attempted in New York to do so. As a result, a recent statewide public opinion poll showed a 60 percent support rating for not increasing our maximum speed limit. The 55 miles per hour speed limit saves lives and studies show that increasing to 65 on rural interstates has increased fatalities significantly. Should there be any question at this point, perhaps Congress might want to ask the National Academy of Science to revisit this issue again and render an independent assessment.

The popular and bipartisan view in New York is that saving only a few seconds on most trips is not worth the additional loss of human lives that raising our speed limit would cause.

Thank you for letting—giving us an opportunity.

Mr. VALENTINE. Thank you, Mr. Schneider.

[The prepared statement of Mr. Schneider follows:]

TESTIMONY BEFORE THE

HOUSE OF REPRESENTATIVES'

SUBCOMMITTEE ON TRANSPORTATION, AVIATION AND MATERIALS

CONCERNING THE

65 MPH SPEED LIMIT

ON RURAL INTERSTATE HIGHWAYS

BY

NORMAN R. SCHNEIDER, EXECUTIVE DEPUTY COMMISSIONER
NEW YORK STATE DEPARTMENT OF MOTOR VEHICLES

July 26, 1989
Rayburn House Office Building, Room 2325
Washington, D.C.

Chairman Valentine and members of the House Subcommittee on Transportation, Aviation and Materials.

My name is Norman R. Schneider, and I am the Executive Deputy Commissioner of the New York State Department of Motor Vehicles.

I am pleased to be here today representing Patricia Adduci, who serves both as Commissioner of Motor Vehicles and Chair of Governor Mario Cuomo's Traffic Safety Committee. We appreciate the opportunity to provide the subcommittee with our findings, thoughts and concerns about the 65 mph speed limit.

As you probably are aware, New York is one of only 9 states that have maintained the 55 mph maximum speed limit Statewide. We have done this for one principal reason -- 55 does save lives. It also reduces motor fuel consumption, thereby reducing our dependence on foreign oil.

During the late 1960s, when the casualties of the VietNam War dominated our news coverage and I was obtaining college degrees in Civil and Transportation Engineering, I was struck with the fact that we, as a nation, readily accepted that over 50,000 people would die on our highways each year -- half due to drunk driving.

All that seemed to change in 1973 when the first energy crisis occurred. Soon the 55 mph maximum speed limit was adopted nationwide. Not surprisingly, we saw fatalities decrease from 56,000 in 1972 to 46,000 in 1974 -- over a 20% decrease. In New York State, highway fatalities decreased by nearly 500 deaths per year and our fatality rate decreased by 21% -- from 4.65 in 1972 to 3.69 in 1974. The message was clear -- 55 was saving lives -- a fact fully documented in a report by the Transportation Research Board of the National Academy of Science.

As we entered the 1980s, New York's fatality rate was approximately the same as the national average. During the '80s, we have undertaken a series of other life-saving initiatives, such as

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During the first quarter of 1987, it seemed like we were on our way to another all-time low rate. Our fatality rate was 5% below our 1986 level. Then it happened. The 65 mph speed limit was authorized on April 2, 1987 -- a move that

sent a deadly message to all drivers in the nation -- that it was all right to speed. This message was received not only by drivers on rural interstates where the speed limit was officially increased to 65 mph. It was also received by drivers everywhere, including New York. The result was that during the last three quarters of 1987, fatalities skyrocketed by 13%.

We had to make an important choice and I'm pleased to report that New York chose, in a bi-partisan manner, to take the actions necessary to save lives. We kept 55 but, in doing so, we had to send a stronger message back to our drivers -- that 55 was right for New York.

First we launched an educational campaign that "NEW YORK IS TOUGH ON SPEEDERS", which stressed the benefits of 55.

Commissioner Adduci approved a significant increase in the penalty points assigned for excessive speeding convictions. For example, our point system was adjusted so that a single speeding conviction over 40 miles per hour above the speed limit would result in the loss of one's driver's license. Points were increased for all offenses in excess of 10 mph above the speed limit.

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Finally, the State Legislature approved Governor Cuomo's proposal earlier this year to significantly increase speeding fines from a $100 maximum to a $400 maximum for a first offense and up to $750 for repeat offenses. Furthermore, stiff minimum fines were established. For example, a conviction of going over 10 miles per hour above the speed limit results in over a $75 minimum penalty. For over 30 mph above the speed limit, the minimum penalty is in excess of $135.

Not surprisingly, these efforts have already shown results. 1988 was the safest year ever on New York highways with a 2.16 fatality rate -- 10 percent below the national average. While national highway fatalities increased by 1 1/2% in 1988, fatalities in New York decreased by 4%.

When Congress was considering increasing the speed limit in 1987, most traffic safety experts warned that this action would increase highway deaths. Studies by both the National Highway Transportation Safety Administration (NHTSA) and Insurance Institute for Highway Safety (IIHS) show these experts were correct. For states that adopted the 65 mph limit, the Insurance Institute study indicates a 15 percent increase, which they classify as statistically significant.

- 8 -

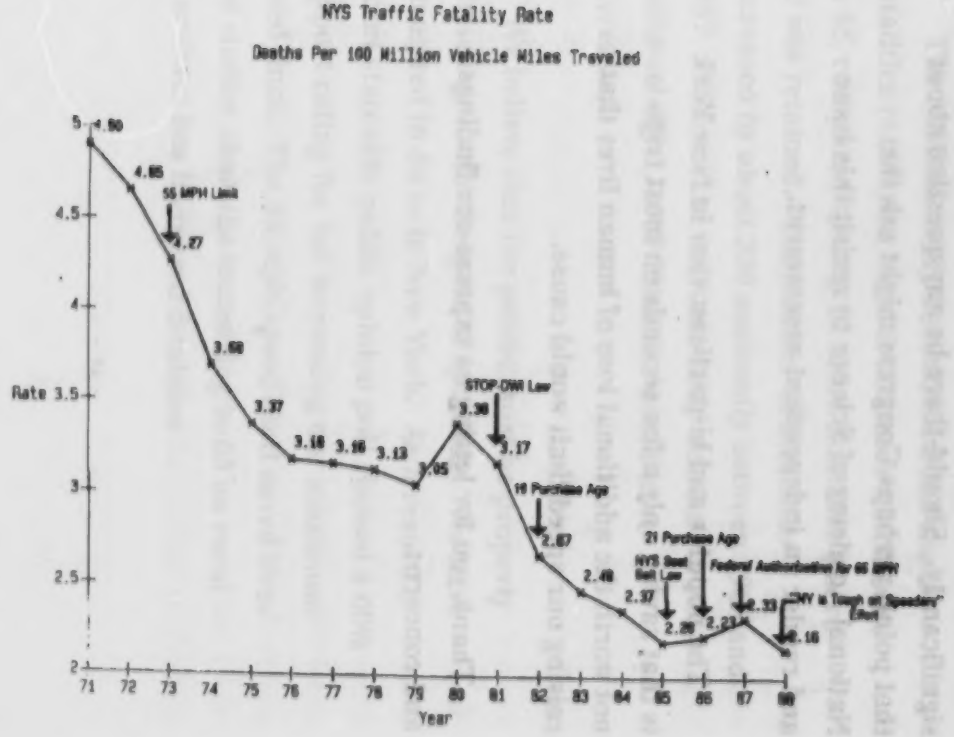
The NHTSA study documented 352 more fatalities (+19%) on rural interstates which went to 65, compared to only 21 more fatalities where 55 was retained. The number of fatalities increased by about 330 nationally between 1986 and 1987. Without the increase to 65 and its spillover effect, 1987 fatalities could have decreased.

We believe that the public must be properly advised as to the dangers of speeding. We have attempted to do so in New York. As a result, a recent statewide public opinion poll showed a 60% support rating for not increasing our maximum speed limit. The 55 mph speed limit saved lives and studies show the increasing to 65 on rural interstates has increased fatalities

significantly. Should there be any question about that point, perhaps Congress might ask the National Academy of Science to revisit this issue and render an independent assessment.

The popular and bi-partisan view in New York is that saving only a few seconds on most trips is not worth the additional loss of human lives that raising our speed limit would cause.

Thank you for letting us express our findings and concerns.


NYS Traffic Fatality Rate
Deaths Per 100 Million Vehicle Miles Traveled
Rate
Year
5
4.5
4
3.5
3
2.5
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STOP-DWI Law
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NYS Seat Belt Law
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Federal Authorization for 65 MPH
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"I❤NY is Tough on Speeders" Start
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We thank all of you very, very much. We have to leave here to vote in about 2 or 3 minutes, and we have a series of votes after that, so we'll want to conclude before that time. Let me say before I yield to Mr. Walker that I appreciate all of your taking the time to get prepared and come here today, and other witnesses and those who have come as spectators.

Let me say just briefly that, with respect to the advertising, I have noted I think more prevalent on these little publications that you see on airlines. You know, maybe people who fly in airplanes are deemed to be more fluent—affluent. I have seen advertisements in these publications, four, five or six of these "fuzz" busters and automobiles they say accelerate from the stopped position to 55 miles an hour in 7 seconds at a time when 55 miles an hour was an illegal speed.

I, for one, am interested in doing something about this despicable little device, so please get in touch with me. We'll begin this journey. This is an institution of diverse strengths, personalities, power, and inclination and ability, and we are, many of us—most of us here, and my colleague Mr. Walker is included in that, that want to address this problem in a fair manner. We differ in how we should go about it. But please get in touch with me——

Mr. HURLEY. Be delighted, Mr. Chairman.

Mr. VALENTINE [continuing]. And get me some information and tell me where you think the support might be to do something at least about this problem.

Mr. Walker.

Mr. WALKER. Thank you, Mr. Chairman. I won't pursue any further what I've been doing this morning, but I will say that I think it's important that we do come back to this subject, as the gentlemen have indicated, and bring in witnesses that I think would take a little different viewpoint on all of this. I think it's interesting that I as a layman in all of this who do not have the statistical information at my fingertips, who don't know, ended up; being the guy that you all think you have to reply to. I think that it would be far better for this committee to hear from all sides of this argument and make certain that as we develop our hearing record that what we do is reply to everybody who has something to say on this subject, and I can assure you that there are a number of people out there that would have totally different points of view with regard to a number of the issues that have been raised here, including radar detectors.

Mr. VALENTINE. Well, let me say that this hearing was no secrets. It's been planned for a number of years and all members of the committee had full knowledge and information about it. You know, I say again we'll hear from anybody. If there's anybody in this republic who could come here and make any justification for the "fuzz" buster, I'd like to know what the heck it is. Have them write to me.

Mr. WALKER. You have a couple of people right back there who are ready to just testify right now, Mr. Chairman. A couple of young people right in the back.

Mr. VALENTINE. To justify the "fuzz" buster. Well, get their names. We'll try to arrange—we've got to go vote now. We'll give you a chance. Other than just to find out how fast you can go and

to find out where the cops are so you can slow down and evade the law.

Mr. Hurley. The last shot.

Mr. HURLEY. Just one final point. Mr. Walker has indicated there are differences of opinion. Everybody is entitled to their own opinion. They're not entitled to their own facts.

Mr. VALENTINE. Right. Absolutely.

The subcommittee stands adjourned.

Mr. WALKER. Well——

Mr. VALENTINE. Excuse me. We're not adjourned.

Mr. WALKER. The question—if I might reply to that. They are entitled, though, to their own interpretation of the facts.

Mr. HURLEY. Absolutely.

Mr. WALKER. Well. And we have heard a number of very carefully constructed interpretations of the facts today. We ought to have the construction from the other side.

Mr. HURLEY. Be delighted.

Mr. VALENTINE. If you will give me your list, I will guarantee you we will have them here.

The subcommittee stands adjourned.

[Whereupon, at 1:03 p.m., the subcommittee was adjourned, to reconvene subject to the call of the Chair.]

APPENDIX

Additional Material for the Record

TO: U.S. HOUSE OF REPRESENTATIVES COMMITTEE ON SCIENCE, SPACE AND TECHNOLOGY

FROM: BROCK YATES

Mr. Chairman and Members of the Subcommittee:

As a member of the automotive press who has reported on the state of the automobile and its relationship to American society for over twenty years, I ask that you consider the following realities when dealing with the issue of speed limits on the United States Interstate system.

1. This issue has already been decided by the drivers of the nation, who have been driving at speeds of 60-65 mph on rural Interstates both before and since the 65 mph speed limit was introduced. Prior to the change from 55 to 65, drivers ran at about 60 mph, forcing NHTSA to constantly fudge with the measurement standards in order to prevent virtually every state in the Union from losing its Federal Highway Funds. Because of the non-compliance, which ranged from 80 to 90%, the 55 mph speed limit became a farce--ignored by motorists and forcing police agencies to devote enormous amounts of time and manpower to enforce a law the

the general public simply would not acept. A dangerous by-product of this situation was a development of a cynicism about the government's ability to rationally regulate society and a growing chasm of antagonism between police officers and the driving public.

2. Please note that while New York (among other Eastern states) supports and enforces the 55 mph limit, a recent DOT study revealed that over 90 percent of its Interstate drivers traveled in excess of the limit. Roughly the same level of non-compliance exists in Connecticut. I might note that speeds on the New Jersey Turnpike are among the fastest in the nation--averaging by my observation, in the range of 70 mph. In fact, it is my considered opinon--following roughly 50,000 miles a year driving in all sections of the nation--that speeds on rural Interstates, regardless of the posted limit--average 65 mph.
3. Traffic experts have long since concluded that about 80% of the driving public automatically chooses a "comfortable speed" for the given road conditions, regardless of the posted limit. If this limit is too low--as is the case of the 55 mph limit we get open flaunting of the law. Surely 80 percent of the driving public can

hardly be described as irresponsible or habitual lawbreakers. Therefore, if 65 mph is the natural limit (and it surely is with a modern automobile)--and that it has been proven that a lower limit simply cannot be enforced without enormous concentrations of police manpower (and even then I doubt the results can be accomplished) does it not make sense to operate within the practical limits of the social contract?

4. In terms of the statistics that support the 55 mph limit as being safer, I ask you to examine them very closely. There are strong indications that the numbers are both ambiguious and perhaps over-simplified. Moreover, if the public is driving at essentially the same speed with the 65 mph limit as with the 55 mph limit, can there be any appreciable, directly relatable effect on safety?

5. Many of you drive in the real world; beyond the Beltway. Please note the next time that you drive on a busy urban Interstate that traffic actually speeds up under these congested conditions, while traffic on open rural Interstates actually runs slightly slower. This phenomenon, in my opinion, deals with the notion of "protection in numbers." Danger of arrest

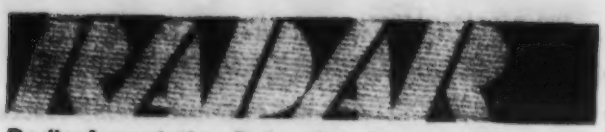
is highest when police can easily single out individual cars and make arrests. In large masses of traffic speed enforcement is more difficult. Therefore the public runs faster--with no apparent increase in accidents. Does this not imply that the mass driving public is prepared to operate modern automobiles at speeds higher than those mandated as safe by the government? No amount of money, time or manpower (within practical limits) will slow them down, in my opinion. They view these speeds, in the words of one traffic expert, as "an acceptable risk."

6. Please note that the German autobahn system--much of which has no posted limits and where speeds of 100 mph-plus are common, often in adverse weather conditions--has a death rate per 100 million miles traveled about equal or slightly less than our Interstates. Does that not imply other causes for accidents other than a simplistic reliance on speed enforcement?

In conclusion, it must be understood that reducing highway accidents and fatalities is an extremely complex problem, relating to driver competence and vehicle, road conditions, weather, social attitudes, training, signage, road design, etc., etc.

To fall back on the aged shibboleth "speed kills", while politically safe, does nothing to save lives or to increase the efficiency of our road transportation network.

Thank you for your consideration in this matter.



Radio Association Defending Airwave Rights, Inc.

VIA TELECOPY

August 7, 1989

The Honorable Tim Valentine
Chairman, House Subcommittee on Transportation,
Aviation and Materials
Committee on Science, Space and Technology
House of Representatives
Washington, D.C. 20515-6306

Dear Chairman Valentine:

Enclosed is my Statement on behalf of the Radio Association Defending Airwave Rights, Inc. (RADAR) to be placed on the record of the Subcommittee on Transportation, Aviation and Materials. The attached statement is submitted in connection with the Hearing held by the Subcommittee on Wednesday, July 26, 1989 to evaluate findings and to determine what further research and development initiatives may be necessary to ensure safety in the context of increased highway speed limits.

The opportunity to make this Statement for the Record is welcomed and appreciated. If you, the Subcommittee Members, or any members of the Subcommittee Staff have questions or if we at RADAR can be of assistance in any way, please do not hesitate to ask.

Respectfully submitted,

RADAR
Radio Association Defending Airwave Rights, Inc.

Janice Lee
President

STATEMENT OF JANICE LEE

PRESIDENT, RADIO ASSOCIATION DEFENDING AIRWAVE RIGHTS, INC.

BEFORE THE

SUBCOMMITTEE ON TRANSPORTATION, AVIATION AND MATERIALS

OF THE

HOUSE COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY

REGARDING THE EFFECTS OF THE

65 MPH SPEED LIMIT

Submitted for the Record
on August 7, 1989

STATEMENT OF RADIO ASSOCIATION DEFENDING AIRWAVE RIGHTS, INC.

Mr. Chairman and Members of the Subcommittee:

I am pleased to submit this statement for the record on the effects of the 65 mph speed limit on behalf of the Radio Association Defending Airwave Rights, Inc., (RADAR). RADAR was not present at the Subcommittee's hearing of July 26, 1989, held to evaluate findings and to determine what further research and development initiatives may be necessary to ensure highway safety.

By way of introduction, RADAR is a non-profit trade association. Its headquarters are located in Tipp City, Ohio and its membership is composed of radar detector manufacturers, distributors and retailers as well as over 8,000 independent motorists across the country. The interests and activities of RADAR on behalf of its membership are national in nature. RADAR monitors national, state and local activity with regard to restrictions on radar detector use. Our organization does not advocate speeding and urges compliance with all traffic laws. We keep our members appraised of developments in law enforcement surveillance technology. We also aid our members in identifying unreliable technological law enforcement methods which violate federal and state standards.

RADAR does not seek to interject itself into the debate as to whether or not the 65 mph speed limit should be retained, expanded upon, or reduced back to 55 mph. Safety on the highways is, however, of prime concern to RADAR, as are the rights of persons using our nation's highways. Therefore, without addressing or suggesting a specific speed limit figure, RADAR offers comments concerning the National Highway Traffic Safety Administration (NHTSA) Report to the Congress dated January 1989, and entitled The Effects of the 65 mph Speed Limit During 1987. In addition, because questions have been asked about radar detectors during the pending debates about speed limits, we addresses that issue as well.

The Report to the Congress referenced just above is the first of three reports mandated by Congress when it adopted the Surface Transportation and Uniform Relocation Assistance Act in 1987. As most states which responded to the interim report pointed out, it is preliminary in nature and inconclusive. Two additional reports are forthcoming, one for 1988, and a final report in late 1990. The January, 1989 Report is an evaluation of 1987 information. With such a short operational period for data collection, it is quite apparent that insufficient information is available to produce conclusive results. Indeed, most traffic engineers and safety experts believe that more than three years of data is necessary to fully and fairly evaluate the effects of speed limits, so that further studies even beyond the two later reports that are to be submitted by NHTSA may be necessary prior to considering administrative or legislative action.

In general, state speed limits and enforcement matters should be left to the states, because such matters are more often than not dependent on geographical and other factors. Sweeping national speed limit and enforcement policies, especially those based on inconclusive surveys, are ill-advised and counterproductive to local law enforcement measures.

In the past, certain interests, especially those from the insurance industry, have advocated a sweeping national policy which would prohibit states now utilizing the 65 mph limit from setting reasonable speed limits. Yet, most studies show that drivers will maintain a speed within the 85th percentile speed -- or the level of speed which they consider safe and reasonable -- regardless of the dictates of the law enforcement establishment. It is unlikely that drivers have increased their speeds to an unsafe level, merely because the maximum speed limit has been increased in some places.

The letters in the Appendix to the NHTSA Report indicate that the states using the 65 mph speed limit are satisfied with this speed limit and do not believe that it has led to an increase in traffic fatalities. Wisconsin Transportation Secretary, Ronald R. Fiedler, noted that traffic was up 9.8 percent in his state, while accident rates remained consistent with previous years. Indeed, if traffic accidents and fatalities rose in some jurisdictions during 1987, several other factors may have contributed to this fluctuation. As the Wisconsin Transportation Secretary noted, traffic on rural interstates increased during 1987, which could account for a statistically higher number of accidents.

The alleged 15 percent increase in fatalities on highways having the 65 mph speed limit may reflect a comparable increase in traffic volumes in other jurisdictions as well. At least one other state has noted that the previous year simply had a much lower than average traffic fatality rate, accounting for a larger than average increase in 1987.

Other factors, such as an aging driving populace or reduction in the size and weight of automobiles could have affected the Report's results. As the South Dakota Department of Transportation ("SDDT") pointed out, the NHTSA Report is a "subjective portrayal" of the statistical information gathered. "The only way to validate this assertion is to review the circumstances of each accident involving a fatality to determine if the increased speed limit was contributory," SDDT explained. While RADAR has no objection in general, RADAR objects to studies which fail to study all relevant possible causes for increased accidents. The nexus between increased speed and accidents has always been nebulous because there are so many other factors to be considered with one of the most significant being failure to yield the right of way.

It is noteworthy that the State of New York has chosen not to change its speed limit and therefore its experience is not really relevant. Indeed, the New York experience highlights why speed control and enforcement are state matters best handled at that level. The traffic patterns and conditions of New York's roads are totally different than those existing in rural states such as Nebraska, Idaho and even some parts of Virginia. It is politically and philosophically unsound to make wide reaching national policy for western and southern states based upon the traffic problems of some congested northeastern or midwestern states.

The above reasoning as to the right of an individual state to pass and enforce speed laws is applicable to the use of radar detectors. Both are within the police powers of the individual states. This point is made because, in the past, attempts have been made to regulate the use of radar detectors at the Federal Government level. Such attempts have been invariably unsuccessful but occasionally a party of self-serving reasons sometimes makes another try. Interestingly, while more state proposals have been presented over the years to ban radar detectors, no state has passed such a law since Virginia, Connecticut, and the District of Columbia. All other states permit users, both local residents and out-of-state visitors, to own and operate radar detectors.

In fact, although insurance companies and other interests are quick to criticize the millions of motorists who own radar detectors, absolutely no connection has been established between radar detectors and dangerous driving or speeding. The most comprehensive investigation ever undertaken on this subject was recently completed by the Maryland State Commissioner of Insurance. After hearing from more than a dozen safety experts and other witnesses for six days of comprehensive testimony comprising over 1,000 pages of transcript, the Maryland Insurance Commissioner determined that there was no evidence that radar detectors cause improper speeding or accidents. Indeed, a 1987 study by the respected research firm of Yankelovich, Clancy, and Shulman shows that the accident rate of radar detector owners is actually lower than that of non-owners. Copies of the Maryland Insurance Commissioner's decision and the Yankelovich study are available upon request from our office.

CENTER FOR AUTO SAFETY

2001 S STREET, NW SUITE 430 WASHINGTON, DC 20009 202•328•7700

August 1, 1989

Hon. Tim Valentine, Chairman
Subcommittee on Transportation, Aviation,
and Materials
Committee on Science, Space, and Technology
Rayburn House Office Building 2321
Washington, DC 20515

Dear Congressman Valentine:

I would like to take this opportunity for the record to amplify my testimony delivered before your subcommittee in the hearings you conducted on July 26, 1989, on the safety implications of the rural Interstate highway 65 miles-per-hour national speed limit.

One of the recurrent arguments that are used by 65 mph proponents is the purported anomaly of recent accident experience on the West German Autobahn in comparison with the fatalities incurred on our rural Interstate highways. The supposed precipitous, unexplainable drop in a recent year's fatal accidents on the Autobahn, where no explicit speed limits are posted, is relied on as confirmation that higher operating speeds on America's rural Interstates generated by 65 mph are largely irrelevant to the annual index of fatal accidents Somehow because of the radical dip in fatalities on the Autobahn in a single year, we are asked to discount the terrible loss of additional lives on our rural Interstates during 1987 and 1988.

Sixty-five mph proponents have tried for years to lead us out to sea behind this red herring of the Autobahn-U.S. Interstate comparison. It is high time to haul it out of the water and show its true colors.

The implication behind the Autobahn-U.S. rural Interstate analogy is that these are virtually identical operating environments that have generated comparable loss data for the most part even though the Autobahn has no posted speed limits. But nothing could be further from the truth.

The fact is that the Autobahn and the U.S. rural Interstate system are very different in numerous respects and the reliance of 65 mph advocates on the near-identity of the two driving environments is simply engineering naivete. Although both the Autobahn and the U.S. Interstate rural highway network are our two nations' highest-speed designed operating contexts, their similarity begins and ends with the general observation that both systems comprise limited-access facilities.

(more)

All the basic design parameters of the Autobahn are distinctly different from, and often superior to, the values used in the construction of U.S. rural Interstate highways. For example, taking access control itself as a starting point, entry and departure design is executed by different rates of ramp curvature in West German and different lengths and taper rates for acceleration merger lanes. Weaving conflicts at interchanges are controlled by a different engineering approach.

On the mainline highway, both alignment and cross-section geometry are substantially different between the two systems. West German civil engineers rely on a specific curve-tangent relationship that explicitly controls the alignment of the Autobahn in order to promote constant driver cybernetics, that is, his constant active engagement in negotiating the facility from moment to moment. American engineering does not have a similar strong controlling design principle. Curve-tangent relationships on any given rural Interstate segment are much more of a fortuitous product of topography and right-of-way constraints.

Similarly, superelevation rates for horizontal curves are quite different for each country, especially when paired with the different pavement friction factors used in superelevation design assumptions. West Germans rely more on superelevation and less on tire side friction in designing high-speed curves. In addition, the rates of superelevation runoff in curve-to-tangent and curve-to-curve transitions are substantially different. Also, explicit numerical design values for the curve superelevation - grade relationship governed the design of the West German Autobahn. No specific design values for this relationship are used by our state highway engineers.

Furthermore, stopping sight distances and, therefore, both horizontal and vertical curve design are very different in each country. Whereas the Autobahn uses an alignment design value based on a zero height-of-object on the roadway, American designers have built our rural Interstates guided generally by a six-inch height-of-object in providing for stopping sight distances. As a result, Autobahn vertical and horizontal curves provide generally superior sight distances. This is one reason why, if one had to drive at a hundred mph, the Autobahn is the safer facility for such exaggerated speeds.

Finally, as a concluding miscellany of observations on the cardinal differences in design practices between the two countries, crown design for accommodating drainage, lane width, coefficients of friction for skid resistance, shoulder design, and roadside environment -- particularly with regard to lateral offset of potential hazardous fixed objects and the rate of velocity change for impacts with frangible supports and barrier systems -- are substantially

different for each national system. Also, it must be stressed that, whereas American Interstate design policies have a built-in tolerance for fairly wide variations in the design sophistication of a given highway, West German road authorities allow very little design heterogeneity from region to region. As a last note, maintenance and rehabilitation practices are generally more timely on the West German autobahn so that, among other things, pavement condition is usually maintained at or near the apex of design values of surface integrity and skid resistance.

When the differences in design and operational conditions are brought out in itemized fashion, it is evident that comparisons of loss experience between the two national systems are fraught with numerous pitfalls. As Geoffrey Barraclough, a famous historian, said quite some time ago, "when one is performing comparisons, it is always wise to compare comparables." Sixty-five mph proponents are fond of treating highway environments as almost incidental to the driving task, as if a designed operating context did not strongly govern the character of the driving task and consequent accident loss rates. They continually attempt to treat of the driving task and of the potential for accidents almost totally on a basis of driving skills, as if vigilance, improved driver education, and "lane discipline" will carry the day in guaranteeing low accident rates.

Until, of course, the occasion is ripe for conjuring up the Autobahn phenomenon and its ally, the "buffer" design speed claimed to be built into American rural Interstate highways. But when a close comparison of the Autobahn is made with the widely diverse design quality and condition of America's rural Interstate highways, the bottom line is that, for all practical purposes, the Autobahn public safety evidence is largely irrelevant to the policy issue of what speed limits should be maintained on our rural Interstate highways.

Yet the invocation of the Autobahn and other gratuitous analogies are constantly being made by 65 mph proponents. It became clear at your July subcommittee hearings that higher speed-limit advocates are attempting to shift the burden of proof for vindicating the public health benefits of 55 mph to its supporters, despite the fact that 55 mph has 12+ years of enviable benefits and the recent loss data for 65 mph is nothing short of horrifying. I find it amazing the extent to which the advocates of 65 mph have tried to disregard or rationalize the terrible additional, costly losses that we as a nation have suffered in only two years since the advent of higher rural Interstate speeds. These 65 mph proponents have reduced the policy dispute over the national maximum speed limit to its seediest level of treatment, viz., that 55 mph is "police state" control of personal behavior, whereas 65 mph is freedom from oppression. This kind of demagogic rhetoric serves no public purpose except to inflame passions unnecessarily in an area where the light

of prudent decisionmaking promoting the public welfare should be substituted for heat.

Sixty-five mph proponents can no longer rely on the artful use of sophistic arguments to dodge their heavy burden to explaining how they can be willing to accept the higher price in deaths, permanent injuries, medical costs, and property losses in exchange for the "feel-good" of higher operating speeds on our rural Interstates. Even more, they need to explain how we must have additional years of this "trend" in increased losses before we concede as a nation that, in implementing 65 mph, we did the wrong thing. I respectfully suggest that "clincher" statistical proof is not only not needed, it is clearly contraindicated by the startling increase in deaths on our rural Interstates in 1987 and 1988. We do not require additional carts of dead bodies for multiple years to gauge the implications of the evidence already in. The prudent and responsible public health decision is staring us full in the face right now.

Respectfully,

Gerald A. Donaldson, Ph.D.